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January 24, 2012

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Re: *Yvonne Jakubowski v. Hobby Lobby, et al.*
Case No.: 11-cv-597
Our File No.: 843778

Dear Michelle:

Your clients' depositions verify that there is absolutely no evidence to support the allegations that are contained in Mrs. Jakubowski's Complaint against my client, Hobby Lobby. Neither Mrs. Jakubowski nor her husband had any communications with any representative from my client and therefore, no warranties or representations were made with respect to the Mosaic Mercantile product that was purchased by your client, and used on her craft project. Frankly, even had there been any communications with my client, there is absolutely no evidence that the Mosaic Mercantile product was a proximate cause of any of the injuries or damages claimed by Mrs. Jakubowski.

Rather than spend additional time and expense preparing further motions in this matter, I am enclosing a Stipulation & Order of Voluntary Dismissal that will allow my client to be dismissed from this litigation, without imposition of any costs or attorney fees against Mrs. Jakubowski. Frankly, given her concession that she worked with mineral spirits for over one hour on the day of this incident, and much less time utilizing the Mosaic Mercantile product, it is clear that the likely explanation for her onset of the conditions she described was the mineral spirits.

Hopefully, my client can be dismissed from this litigation without us having to take further steps to have the case dismissed and/or to seek sanctions for the filing of this lawsuit against Hobby Lobby, which I do not believe is supported by existing law or

February 14, 2012

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by a non-frivolous argument for extending, modifying or reversing existing law or for establishing new law.

Yours truly,

Gary L. Stec

GLS/aly
Enclosure(s)

EXHIBIT 2

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN
3

4 YVONNE JAKUBOWSKI,

5 Plaintiff,

Case No. 1:11-cv-597

6 vs.

Hon. Robert Holmes Bell

7 MOSAIC MERCANTILE, INC., a Montana
8 corporation, and HOBBY LOBBY
9 STORES, INC., an Oklahoma
10 corporation, TRIANGLE COATINGS,
11 INC., a California corporation, and
12 MICHAEL YABLON, individually,
13 Defendants.
14

15
16 DEPONENT: YVONNE JAKUBOWSKI

17 DATE: Friday, January 20, 2012

18 TIME: 10:00 a.m.

19 LOCATION: 3996 Chicago Drive, S.W.

20 Grandville, Michigan

21 REPORTER: Kathryn Trap Hevelhurst, RPR, CSR-1457
22
23
24
25

1 APPEARANCES:

2

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25 On behalf of Defendants Mosaic & Michael Yablon

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<p style="text-align: right;">Page 4</p> <p>1 Grandville, Michigan</p> <p>2 Friday, January 20, 2012 - 10:00 a.m.</p> <p>3 * * *</p> <p>4 YVONNE JAKUBOWSKI,</p> <p>5 having been first duly sworn to tell the truth, the whole</p> <p>6 truth, and nothing but the truth, was examined and testified</p> <p>7 as follows:</p> <p>8 EXAMINATION</p> <p>9 BY MR. STEC:</p> <p>10 Q Mrs. Jakubowski, we were introduced a few minutes ago. I'm</p> <p>11 Gary Stec. I represent Hobby Lobby. I'm going to ask you</p> <p>12 several questions today about yourself, about the lawsuit</p> <p>13 that you filed against my client, and about the allegations</p> <p>14 that are contained in the Complaint, and about some of the</p> <p>15 damages that you're alleging. Do you understand that?</p> <p>16 A Yes.</p> <p>17 Q Have you ever given a deposition before?</p> <p>18 A No.</p> <p>19 Q I'm sure that you've been told what's going to happen today</p> <p>20 and been given some general instructions, but I want to</p> <p>21 repeat those just to make sure that you do understand there's</p> <p>22 certain protocol I think we should follow.</p> <p>23 One is I'm going to ask you questions verbally and</p> <p>24 out loud, so it's important that you respond verbally and out</p> <p>25 loud. So if you nod your head or shake your head, that's not</p>	<p style="text-align: right;">Page 6</p> <p>1 Q How many children do you have?</p> <p>2 A I have two and my husband has two.</p> <p>3 Q Was this your first marriage to Dennis? That's a bad</p> <p>4 question. Were you married to anyone before Dennis?</p> <p>5 A Yes.</p> <p>6 Q Was Dennis's marriage to you his second marriage?</p> <p>7 A Yes.</p> <p>8 Q Who was his first wife?</p> <p>9 A His first wife was Linda Bassett.</p> <p>10 Q What are your two children's names?</p> <p>11 A My children's names are Brian Jeffrey Geib and Michelle</p> <p>12 Haizen.</p> <p>13 Q How old are they?</p> <p>14 A Brian is -- let's see, he just had a birthday.</p> <p>15 MS. McLEAN: Don't be nervous, it's okay.</p> <p>16 THE WITNESS: This is 2012. Brian is 46.</p> <p>17 BY MR. STEC:</p> <p>18 Q And Michelle?</p> <p>19 A Michelle is 42.</p> <p>20 Q Who is their father?</p> <p>21 A Their father is George Geib.</p> <p>22 Q Spell Geib, please.</p> <p>23 A G-e-i-b.</p> <p>24 Q Okay. Maybe I was just confused or maybe my question was so</p> <p>25 convoluted I didn't get the right answer. Were you married</p>
<p style="text-align: right;">Page 5</p> <p>1 going to work, and I'll ask you, is that a yes or is that a</p> <p>2 no. It works better if you use formal English rather than</p> <p>3 uh-huh and huh-uh; okay?</p> <p>4 A Yes.</p> <p>5 Q If you're confused with anything that I ask you, I want you</p> <p>6 to tell me that you're confused, because if you are confused,</p> <p>7 I'll repeat the question or rephrase it as many times as I</p> <p>8 have to until you do understand what I'm trying to get at.</p> <p>9 Will you do that?</p> <p>10 A Yes.</p> <p>11 Q If you need to take a break at any time, just let me know</p> <p>12 that and I'll be happy to accommodate you. Will you do that?</p> <p>13 A Yes.</p> <p>14 Q Let's start by having you tell me your full name, please.</p> <p>15 A Yvonne Elaine Jakubowski.</p> <p>16 Q What's your date of birth?</p> <p>17 A September 1, 1946.</p> <p>18 Q And are you married?</p> <p>19 A Yes.</p> <p>20 Q Your husband's name?</p> <p>21 A Dennis.</p> <p>22 Q How long have you been married to Dennis?</p> <p>23 A Twenty-three years.</p> <p>24 Q Do you have children?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 7</p> <p>1 to George Geib?</p> <p>2 A Yes.</p> <p>3 Q So your marriage to Dennis is your second marriage?</p> <p>4 A No.</p> <p>5 Q Third marriage?</p> <p>6 A No.</p> <p>7 Q Third?</p> <p>8 A No.</p> <p>9 Q How many times have you been married?</p> <p>10 A Dennis is my fourth husband.</p> <p>11 Q Which number was George Geib?</p> <p>12 A Number one.</p> <p>13 Q Tell me who number two and three are.</p> <p>14 A Number two was Richard Severens, S-e-v-e-r-e-n-s.</p> <p>15 Q How long were you married to Richard?</p> <p>16 A Approximately two years.</p> <p>17 Q Let me back up before I go to number three. How long were</p> <p>18 you married to George Geib?</p> <p>19 A Approximately five years.</p> <p>20 Q And then who was your third husband?</p> <p>21 A Larry Spaulding.</p> <p>22 Q Spell that, please.</p> <p>23 A S-p-a-u-l-d-i-n-g.</p> <p>24 Q And how long were you married to him?</p> <p>25 A Almost -- about eight years.</p>

4 (Pages 4 to 7)

<p style="text-align: right;">Page 8</p> <p>1 Q Were you the one that filed for divorce in each of those 2 three previous marriages? 3 A Let's see. 4 MS. McLEAN: Objection as to relevance. 5 MR. STEC: It's just background. 6 BY MR. STEC: 7 Q You can answer. 8 A I can answer? 9 MS. McLEAN: You can answer. 10 THE WITNESS: Now I forgot the question. 11 BY MR. STEC: 12 Q Were you the one that filed for divorce in each of your 13 previous three marriages? 14 A Yes. 15 Q What do your children do for a living if they're employed? 16 A My daughter is a teacher. 17 Q Where at? 18 A Allegan, Michigan. 19 Q Allegan Public Schools? 20 A Actually, I believe it's the public schools. She's at a 21 developmental center for special needs. 22 Q How about your son? 23 A My son works at General Motors in Lansing. 24 Q What does he do there? 25 A He is a material handler.</p>	<p style="text-align: right;">Page 10</p> <p>1 Fisher Body on Alpine in Grand Rapids. 2 Q Were both of those positions also assembly? 3 A Yes. 4 Q During the years you worked for General Motors, as part of 5 your job were you ever required to use any type of solvents 6 or chemicals and things like that? 7 A No. 8 Q You're not claiming as a part of the damages in this case 9 that you lost income as a result of anything that happened, 10 are you? 11 A No. 12 Q Is your husband employed? 13 A No. 14 Q Is he retired? 15 A Yes. 16 Q Where is Dennis retired from? 17 A General Motors. 18 Q Is that where you met him? 19 A Yes. 20 Q How long has he been retired from General Motors? 21 A Since 2006. 22 Q Was he working in the Coopersville assembly plant at that 23 point? 24 A Yes. 25 Q Were you ever injured on the job during the course of your</p>
<p style="text-align: right;">Page 9</p> <p>1 Q Are you employed? 2 A No, I'm not. 3 Q When was the last time that you were? 4 A 2006. 5 Q What were you employed as in 2006? 6 A I was employed at GM. 7 Q Doing what? 8 A Assembly. 9 Q Which plant were you at? 10 A I was in Coopersville, Michigan. 11 Q What did you assemble? 12 A Fuel injectors. 13 Q How long did you work there? 14 A At that plant? 15 Q For GM. 16 A For GM? Thirty years. 17 Q So you're retired from there? 18 A Yes. 19 Q Did you retire in 2006? 20 A Yes. 21 Q Was that in part because the plant closed? 22 A No. 23 Q Where else did you work other than the Coopersville plant 24 during the years you were employed at GM? 25 A I worked at Diesel on Burton in Grand Rapids. I worked at</p>	<p style="text-align: right;">Page 11</p> <p>1 employment with General Motors? 2 A No. 3 Q Have you ever been involved in a lawsuit besides this one 4 outside of your divorces? 5 A No. 6 Q Were you ever injured in any type of accident that required 7 medical care and treatment? 8 A No. 9 Q Where do you live? - 10 A I live in Grand Rapids, Michigan. 11 Q What's your address? 12 A 2718 Durham -- that's D-u-r-h-a-m -- Northeast. 13 Q What are the two major cross streets closest to that? 14 A Fuller and Three Mile. 15 Q Is it in a subdivision? 16 A Yes. 17 Q How big is the lot? 18 A Less than an acre. 19 Q Do you have a garden? 20 A Yes. 21 Q Do you do gardening? 22 A Yes. 23 Q What type of things do you garden? 24 A Mainly flowers. 25 Q Tell me about your educational background. Did you graduate</p>

5 (Pages 8 to 11)

<p style="text-align: right;">Page 12</p> <p>1 from high school?</p> <p>2 A Yes.</p> <p>3 Q Where?</p> <p>4 A Alma, Michigan.</p> <p>5 Q What year did you graduate?</p> <p>6 A 1964.</p> <p>7 Q Any college education?</p> <p>8 A Some.</p> <p>9 Q Tell me about the some. Where and what did you take?</p> <p>10 A GRCC in Grand Rapids. I took like algebra and art history.</p> <p>11 I don't remember the classes.</p> <p>12 Q Would that have been shortly after high school?</p> <p>13 A No. No.</p> <p>14 Q Did you ever obtain an associate's degree?</p> <p>15 A No.</p> <p>16 Q Do you and your husband stay in Michigan the entire year?</p> <p>17 A No.</p> <p>18 Q Do you own a place somewhere in a warmer climate that you go</p> <p>19 to in the wintertime?</p> <p>20 A No.</p> <p>21 Q Where do you go when you leave Michigan?</p> <p>22 A We go to Colorado or to Boston.</p> <p>23 Q Why those places?</p> <p>24 A That's where my step-daughters live.</p> <p>25 Q So you visit?</p>	<p style="text-align: right;">Page 14</p> <p>1 A I don't.</p> <p>2 Q Has your husband in the past?</p> <p>3 A Yes.</p> <p>4 Q What type of tiling projects has he done in the past?</p> <p>5 A He's done kitchen counters, our fireplace. I think that's</p> <p>6 it.</p> <p>7 Q Was he involved in this craft project that you were working</p> <p>8 on which is the subject of this lawsuit?</p> <p>9 A No.</p> <p>10 Q Do you do any type of painting in and around the home or</p> <p>11 involving any type of craft project?</p> <p>12 A Very little.</p> <p>13 Q Tell me what you've done with respect to painting even though</p> <p>14 it's been very little.</p> <p>15 A Painting trim on woodwork.</p> <p>16 Q How many times have you done that?</p> <p>17 A Once.</p> <p>18 Q How long ago was that?</p> <p>19 A Two years ago.</p> <p>20 Q Was it before or after this incident?</p> <p>21 A After.</p> <p>22 Q When you did that painting project, was it a water-based</p> <p>23 paint that you used?</p> <p>24 A Yes.</p> <p>25 Q Were you the one -- did you do that painting project by</p>
<p style="text-align: right;">Page 13</p> <p>1 A Visit, yes.</p> <p>2 Q Visit family?</p> <p>3 A Yes.</p> <p>4 Q Do you have hobbies other than gardening?</p> <p>5 A Yes.</p> <p>6 Q What type of hobbies do you have?</p> <p>7 A I downhill ski, I do crafts like flower arranging, wreaths.</p> <p>8 Let's see. I knit.</p> <p>9 Q In the craft category, do you do anything that -- and I know</p> <p>10 obviously in this case you were using -- or you were working</p> <p>11 on a table project is my understanding, and I'll ask you some</p> <p>12 more questions about that in a little while, which sounds</p> <p>13 like it may have involved grouting and tiling and then</p> <p>14 sealing of tile. Do you have any hobbies that you've done</p> <p>15 things like that in the past before this project?</p> <p>16 A A couple. I've done it with friends. I did like a gazing</p> <p>17 ball which involves ceramic tile and grout.</p> <p>18 Q The small ones?</p> <p>19 A Small tiles.</p> <p>20 Q Right. Any other types of projects that you've been involved</p> <p>21 with using tiles with grout and grout-related materials or</p> <p>22 chemicals?</p> <p>23 A No, not that I can think of.</p> <p>24 Q Do you do any home improvement projects that would have</p> <p>25 involved tiling and grouting?</p>	<p style="text-align: right;">Page 15</p> <p>1 yourself or were you helping your husband?</p> <p>2 A I don't understand the question.</p> <p>3 Q You told me a couple of years ago you did some painting trim</p> <p>4 on woodwork. I'm just wondering if that was a project that</p> <p>5 your husband was involved with also, or were you doing that</p> <p>6 yourself?</p> <p>7 A Oh, yes, he was involved with it.</p> <p>8 Q Does he do painting when rooms in your house need it?</p> <p>9 A Yes.</p> <p>10 Q The painting that he's done over the years, if -- strike</p> <p>11 that. Let me start over.</p> <p>12 If there's a painting project that needs to be done</p> <p>13 in your house during the 23 years you've been married, is he</p> <p>14 typically the person that would do that?</p> <p>15 A Yes.</p> <p>16 Q Rather than hiring someone to do that?</p> <p>17 A Yes.</p> <p>18 Q And the painting projects that he's been involved with, has</p> <p>19 he used both latex as well as oil-based paint, to your</p> <p>20 knowledge?</p> <p>21 A Not to my knowledge.</p> <p>22 Q Do you know the difference?</p> <p>23 A Yes.</p> <p>24 Q What's the difference?</p> <p>25 A A water-based paint you can clean up with water, and</p>

6 (Pages 12 to 15)

Page 16

1 oil-based paints you have to use mineral spirits or paint
 2 thinners or something to clean brushes or rollers.
 3 Q I'm asking those questions, because in some of the discovery
 4 responses that were filed this week I heard your husband talk
 5 about -- and we'll get into this in more detail later on --
 6 that some mineral spirits were used in this craft project
 7 when you attempted to clean off some of the product that you
 8 had purchased from Hobby Lobby. Is that true?
 9 A Yes.
 10 Q Did you go out and buy those mineral spirits for the specific
 11 purpose of using them on this project, or --
 12 A No.
 13 Q -- was that a container of mineral spirits that was already
 14 in your home?
 15 A It was a container in our home.
 16 Q Was it like a one-gallon metal container of mineral spirits
 17 or was it in a white bottle? Describe that for me.
 18 A I don't remember.
 19 Q Had you used those mineral spirits before this project?
 20 A I am not sure.
 21 Q It sounds to me like it was probably one of your husband's
 22 purchases?
 23 A Yes, it was.
 24 Q Do you have any idea what he would use those for whenever he
 25 did use it?

Page 17

1 A I remember him finishing a wood table with -- I'm not sure if
 2 it was a lacquer or what the finish was, but it wasn't water
 3 soluble.
 4 Q So he used the mineral spirits to clean up when he was done?
 5 A Yes.
 6 Q Let's talk about this table project that you were working on.
 7 How big was this table?
 8 A It was 18 inches by 28 inches.
 9 Q And that was the surface size?--
 10 A Yes.
 11 Q The tabletop size?
 12 A Yes.
 13 Q Was this a new table?
 14 A No.
 15 Q So it was an old table?
 16 A Yes.
 17 Q Where did you get it?
 18 A From my mom.
 19 Q When you got it from your mom, did it already have tile on
 20 it?
 21 A No.
 22 Q Was your project to put tile on it?
 23 A Yes.
 24 Q Did the top have a border lip on it or a rim on it?
 25 A No.

Page 18

1 Q Were you just adding tile to a flat surface then?
 2 A Yes.
 3 Q Did you do all of the work preparatory to putting the tile
 4 and the grout on the table?
 5 A Yes.
 6 Q What did you do to prepare for putting tile and the grout on
 7 the table?
 8 A I didn't do anything to the table. I just started putting
 9 the tile on.
 10 Q Did you wipe it, clean it --
 11 A Oh, yeah, I dusted it off.
 12 Q What did you use to dust it off?
 13 A Just a cloth.
 14 Q A damp cloth?
 15 A I don't remember.
 16 Q All right. Didn't use any chemicals on it?
 17 A No.
 18 Q You didn't strip any varnish or use any paint remover?
 19 A No.
 20 Q Was the table painted or was it wood finish?
 21 A It was wood and I painted it.
 22 Q Did you paint it before you put the tile on?
 23 A Yes.
 24 Q Did you use water base or oil base?
 25 A Water base.

Page 19

1 Q Did you also paint the top?
 2 A No.
 3 Q Before we started the deposition, your attorney brought in a
 4 couple of pieces of tile that we still have here, and he
 5 indicated to us that these were samples of the tile that you
 6 were using. Are these two pieces of tile similar to the ones
 7 that you were using on your table project?
 8 A Yes. The blue one is exactly like the one I was using.
 9 Q Did you use similar -- I think these are three-inch tiles,
 10 aren't they, to your knowledge?
 11 A I'm not sure.
 12 Q Did you use the same size tile as the one I'm holding in my
 13 hand?
 14 A Yes --
 15 Q Were they all --
 16 A -- but I broke them into pieces. They were like chips.
 17 Q Where did you get the tile that you were using?
 18 A I'm not sure if I bought it at Home Depot or Lowe's.
 19 Q So it sounds like this table project was going to involve
 20 you, number one, painting the non-surface portions of the
 21 table, and on the surface portion you were breaking ceramic
 22 tile and then going to arrange those on the surface and
 23 adhere them together with grout?
 24 A Yes.
 25 Q How big were the pieces that you placed on the table after

7 (Pages 16 to 19)

<p style="text-align: right;">Page 20</p> <p>1 you broke them up?</p> <p>2 A They were anywhere from one to maybe three inches or</p> <p>3 two inches.</p> <p>4 Q How did you break the tiles into the smaller pieces?</p> <p>5 A I put the tile between like a towel and then I took a hammer</p> <p>6 and hit it.</p> <p>7 Q All right. And then you take the larger pieces and throw the</p> <p>8 shards away, I presume?</p> <p>9 A Yes.</p> <p>10 Q What did you use on the surface of the table, if anything,</p> <p>11 before you put the tile on it?</p> <p>12 A Nothing.</p> <p>13 Q You didn't use any tile mud?</p> <p>14 A No.</p> <p>15 Q Do you know what mean -- do you know what that is when I use</p> <p>16 those words?</p> <p>17 A Yes.</p> <p>18 Q Have you seen tilers put down a thin layer of mud that they</p> <p>19 then set the tiles down on?</p> <p>20 A Yes.</p> <p>21 Q You didn't do that with your table?</p> <p>22 A No.</p> <p>23 Q The only means of securing the pieces of tile in place on</p> <p>24 your tabletop was going to be the grout that you were later</p> <p>25 going to put on?</p>	<p style="text-align: right;">Page 22</p> <p>1 do this?</p> <p>2 A I followed the same procedure that I used on the gazing ball</p> <p>3 that I did.</p> <p>4 Q How did you learn how to do it on the gazing ball?</p> <p>5 A With friends.</p> <p>6 Q Do you have a group of friends that have like a craft club or</p> <p>7 something that you get together and do crafts?</p> <p>8 A Not a club, but I get together with friends a lot to do</p> <p>9 crafts.</p> <p>10 Q All right. Do you meet on a regular basis?</p> <p>11 A No.</p> <p>12 Q So basically when you did your gazing ball project, you would</p> <p>13 have learned from someone in your group of friends who had</p> <p>14 done something similar to that in terms of the steps to take</p> <p>15 and the materials to use?</p> <p>16 A Yes.</p> <p>17 Q And then based on what they told you, you would have gone out</p> <p>18 and then obtained whatever you needed for your table project?</p> <p>19 A Yes.</p> <p>20 Q Did you get any information from anyone at Hobby Lobby with</p> <p>21 respect to that table project?</p> <p>22 A No.</p> <p>23 Q When you went there, you knew what you wanted to buy, looked</p> <p>24 for it, selected it, and paid for it and left basically?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 21</p> <p>1 A No.</p> <p>2 Q No? What was used?</p> <p>3 A I used a tube of like caulk.</p> <p>4 Q Was it caulk or an adhesive that was in a caulk-like tube?</p> <p>5 A I'm not sure.</p> <p>6 Q Because you can get -- when we say the tubes that caulk come</p> <p>7 in, lots of stuff comes in those same types of tube. You can</p> <p>8 buy paneling adhesive, you can buy concrete fill, you buy all</p> <p>9 kinds of things, so whatever this product was, it was in a</p> <p>10 tube, first of all; right?</p> <p>11 A Yes.</p> <p>12 Q You're not sure whether it was caulk or some adhesive type of</p> <p>13 material?</p> <p>14 A I'm not sure.</p> <p>15 Q Did you go out and purchase that specifically for your</p> <p>16 project, or did you just rummage around and find something</p> <p>17 that was partially used around your house?</p> <p>18 A No, I went out and bought it.</p> <p>19 Q Do you remember where you bought it?</p> <p>20 A No, I don't.</p> <p>21 Q Did you buy it at Hobby Lobby?</p> <p>22 A No.</p> <p>23 Q On this table project that you were working on, were you</p> <p>24 going by instructions that were in a book or something you</p> <p>25 saw on line or something that somebody was telling you how to</p>	<p style="text-align: right;">Page 23</p> <p>1 Q You didn't have any communications with anyone there with</p> <p>2 respect to the proper materials to use or whether I should</p> <p>3 use this product versus that product or anything like that,</p> <p>4 did you?</p> <p>5 A No.</p> <p>6 Q No one there gave you any information about any of the</p> <p>7 materials that you bought there for your project, did they?</p> <p>8 A No.</p> <p>9 Q I noticed on the receipt that I think was produced it looks</p> <p>10 like you may have bought some flower-type products while you</p> <p>11 were there. Is that a place you go to typically to get</p> <p>12 things that you would use in some of your dried-flower</p> <p>13 arrangements?</p> <p>14 A Yes.</p> <p>15 Q And one of those trips is when you bought this Mosaic</p> <p>16 Mercantile Sealer product that we're going to talk about in a</p> <p>17 little while?</p> <p>18 A Yes.</p> <p>19 Q It was on that shopping trip there that I was specifically</p> <p>20 asking you questions about -- and I just want to make sure</p> <p>21 I'm clear that you didn't have any communications with anyone</p> <p>22 there with respect to anything about that sealer product, did</p> <p>23 you?</p> <p>24 A No.</p> <p>25 Q You went in there, knew you wanted a sealer product, found</p>

8 (Pages 20 to 23)

Page 24

1 the aisle that had them, looked at what was there, and picked
 2 one and bought it?
 3 A Yes.
 4 Q Were there other options besides the Mosaic Mercantile
 5 bottle?
 6 A I don't remember.
 7 Q Had you ever bought a Mosaic Mercantile product before this
 8 sealer?
 9 A No.
 10 Q Had you ever bought any other type of mosaic grout sealer
 11 before this container?
 12 A I haven't.
 13 Q Did you use a sealer on your gazing ball project?
 14 A Yes.
 15 Q Where did you get that sealer from?
 16 A My friend's.
 17 Q What's your friend's name?
 18 A Linda.
 19 Q What's Linda's last name?
 20 A Huizinga.
 21 Q What type of sealer did Linda give you to use on your mosaic
 22 ball project?
 23 A I don't know.
 24 Q Do you know if it was a Mosaic Mercantile product?
 25 A I do not know.

Page 25

1 Q Do you still have that container?
 2 A No.
 3 Q Did it come in a similar-sized container?
 4 A I don't know.
 5 Q Did you do the gazing ball project at home or someplace else?
 6 A Someplace else.
 7 Q At Linda's house?
 8 A Yes.
 9 Q Was this something that a bunch of ladies made their own
 10 gazing ball?
 11 A Yes.
 12 Q How many of you did that?
 13 A There were four of us.
 14 Q So you got together occasionally to work on your gazing ball,
 15 right?
 16 A Yes.
 17 Q It's something to do?
 18 A It was fun.
 19 Q It sounds like everybody probably shared the same bottle of
 20 sealer?
 21 A Yes.
 22 Q Because when you're doing a project like that, you're not
 23 going to use all the sealer that's in that container anyway,
 24 are you?
 25 A No.

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1 Q So when you went into the Hobby Lobby store on the day that
 2 you bought the bottle of sealer that's on the table in front
 3 of us, you knew that you were just going there for a sealer,
 4 didn't really have any preference from one manufacturer of
 5 sealer versus another, did you?
 6 A No.
 7 Q Figured they're probably all the same for the most part?
 8 A Yes.
 9 Q Did you look at the label at all on it before you bought it?
 10 I mean, other than to read that it says mosaic grout sealer.
 11 A No.
 12 Q So you weren't looking at it in terms of, okay, I want to
 13 make sure that I get one that I can apply with a certain type
 14 of piece of equipment or that will clean up in a certain way
 15 or that will dry in a certain amount of time? You didn't
 16 have any guidelines like that that you had in the back of
 17 your mind in terms of some purchase decisions, did you?
 18 A No.
 19 Q Before I leave the questions about the Hobby Lobby store, let
 20 me jump ahead and I'll come back.
 21 After this happened and you had this experience,
 22 did you ever go back to the Hobby Lobby store and talk to
 23 anyone there and ask questions about any of your experiences?
 24 A I did not.
 25 Q Did your husband?

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1 A I'm not sure.
 2 Q I know he went back there, I think -- and I'll ask him
 3 later -- to buy another container or tube of Mosaic
 4 Mercantile product, right?
 5 A Yes.
 6 Q Did you go with him when he went back there to do that?
 7 A No.
 8 Q When he was there, do you know if he spoke to anyone about
 9 what's in those containers or their proper use or their
 10 proper application or anything like that?
 11 A I don't know.
 12 Q When he came back, he didn't tell you, by the way, I talked
 13 to the manager, and he said, or she said, and filled you in
 14 on anything?
 15 A I don't remember.
 16 Q But you yourself never had any discussions with anyone even
 17 after the purchase with respect to the product?
 18 A No.
 19 Q Did you ever attempt to return the product to them?
 20 A No.
 21 Q They never gave you any specific information or papers or
 22 documents that had anything about the product other than what
 23 we see that's on the product itself; is that true?
 24 A Yes.
 25 Q So, anyway, back to the project. You break up your tile, you

9 (Pages 24 to 27)

<p style="text-align: right;">Page 28</p> <p>1 select the pieces that you're going to use. Do you put this</p> <p>2 material that's in your caulk-like tube on the back of each</p> <p>3 piece and set it in place, or do you just spread it out on</p> <p>4 the whole table and put the pieces down on the tabletop?</p> <p>5 A I put it on the back of each piece.</p> <p>6 Q And then after you had all of the pieces in the arrangement</p> <p>7 that you wanted, what was the next step?</p> <p>8 A The next step was to grout.</p> <p>9 Q Did you buy premixed grout or did you buy powdered grout and</p> <p>10 mix it yourself?</p> <p>11 A I bought powdered grout and mixed it.</p> <p>12 Q Where did you get the powdered grout at?</p> <p>13 A I'm not sure.</p> <p>14 Q Did you go shop for the grout yourself?</p> <p>15 A I don't remember.</p> <p>16 Q Was it leftover grout that may have been from a prior home</p> <p>17 project your husband worked on?</p> <p>18 A It might have been. I don't remember.</p> <p>19 Q From the tile projects that he had done around the house, did</p> <p>20 he have the grout floats and the rubber scrapers and things</p> <p>21 like that that people use when they're doing a tile project?</p> <p>22 A Yes.</p> <p>23 Q Did you use some of those tools on this project?</p> <p>24 A No.</p> <p>25 Q Wherever you got the powdered grout from, you probably mixed</p>	<p style="text-align: right;">Page 30</p> <p>1 Q Did you wipe the tiles before the grout dried, or did you</p> <p>2 wait for the grout to dry before you wiped the surface of the</p> <p>3 tiles?</p> <p>4 A I wiped some of it off the tiles before it was completely</p> <p>5 dry.</p> <p>6 Q And then after it dried completely, you would have gone back</p> <p>7 and cleaned the tile again to get any additional residue off?</p> <p>8 A Yes.</p> <p>9 Q And then was it at that point that you then waited several</p> <p>10 days before you applied the grout sealer?</p> <p>11 A Yes.</p> <p>12 Q Did you read the labels and the instructions on the Mosaic</p> <p>13 Mercantile Grout Sealer before you applied it?</p> <p>14 A Yes, I did.</p> <p>15 Q Did you read all of them?</p> <p>16 A Yes.</p> <p>17 Q When was the last time that you read the directions and</p> <p>18 instructions?</p> <p>19 A It's been -- could you rephrase the question?</p> <p>20 Q Yes. I was just wondering, before today did you go back and</p> <p>21 read the instructions on the product yesterday or this</p> <p>22 morning to prepare for your deposition, or maybe it was</p> <p>23 longer ago. I'm just trying to figure out the last time you</p> <p>24 would have read them.</p> <p>25 A No, it was a long time ago.</p>
<p style="text-align: right;">Page 29</p> <p>1 it up to get the consistency that you thought was necessary;</p> <p>2 true?</p> <p>3 A Yes.</p> <p>4 Q And then how did you apply it to the tabletop?</p> <p>5 A I'm not sure.</p> <p>6 Q Do you know if you just spread it by hand, or did you use a</p> <p>7 tool of some type?</p> <p>8 A I might have used a putty knife, a small putty knife, but I'm</p> <p>9 not positive.</p> <p>10 Q After you were done applying the grout, did you use a tool</p> <p>11 that tile layers use where they go through the grout surface</p> <p>12 and put a slight indent into it? Did you use a tool like</p> <p>13 that?</p> <p>14 A No.</p> <p>15 Q I presume that after you put the amount of grout you needed</p> <p>16 to fill the spaces between the tiles that there was some</p> <p>17 cleanup that needed to be done on the surface of the tiles</p> <p>18 themselves?</p> <p>19 A Yes.</p> <p>20 Q What did you use to clean up the grout residue that was on</p> <p>21 the surface of the tiles?</p> <p>22 A Water and a sponge.</p> <p>23 Q How soon before you were going to apply the grout sealer did</p> <p>24 you install the grout on the tabletop?</p> <p>25 A I know it was several days. I don't know exactly.</p>	<p style="text-align: right;">Page 31</p> <p>1 Q What did you do to prepare for your testimony today, if</p> <p>2 anything, other than meet with your attorney? I'm not</p> <p>3 allowed to ask you about any conversations you had with your</p> <p>4 attorney, but other than that, what did you do?</p> <p>5 A Well, I was told just to tell the truth and have direct</p> <p>6 answers, speak clearly, dress properly, that's about it.</p> <p>7 Q Did you review anything?</p> <p>8 A Oh, yes, I reviewed e-mails and --</p> <p>9 Q And? Finish the sentence.</p> <p>10 A E-mails, doctor reports, that was mainly it.</p> <p>11 Q Did you review any of the records that were made of the</p> <p>12 conversations with various people?</p> <p>13 A Yes.</p> <p>14 Q When did you do that, review the e-mails, doctor reports and</p> <p>15 the recorded communications?</p> <p>16 A I did that yesterday.</p> <p>17 Q Are the e-mails that you reviewed the ones that I'm going to</p> <p>18 show you that were just provided to us shortly after the</p> <p>19 deposition started?</p> <p>20 A Yes.</p> <p>21 (Discussion held off the record.)</p> <p>22 MR. STEC: I'm going to mark those e-mails as</p> <p>23 Exhibit 1.</p> <p>24 (Deposition Exhibit No. 1 was marked for</p> <p>25 identification.)</p>

10 (Pages 28 to 31)

<p style="text-align: right;">Page 32</p> <p>1 BY MR. STEC:</p> <p>2 Q It looks like the e-mails I've marked as Exhibit 1 appear to</p> <p>3 be communications between Michael Yablon at Mosaic Mercantile</p> <p>4 and your husband. Do you agree with that?</p> <p>5 A Yes.</p> <p>6 Q Who compiled this group of e-mails?</p> <p>7 A My husband.</p> <p>8 Q Did you have any e-mail communication with anyone regarding</p> <p>9 these topics and issues?</p> <p>10 A No, I didn't.</p> <p>11 Q All of that would have been done by your husband?</p> <p>12 A Yes.</p> <p>13 Q Do you know if there were any e-mails beyond those that we</p> <p>14 see in Exhibit 1?</p> <p>15 A Not that I know of.</p> <p>16 Q There weren't any communications between my client and your</p> <p>17 husband?</p> <p>18 A Not that I know of.</p> <p>19 Q Is it fair to say from the time that there were some</p> <p>20 questions about the product that was purchased, the Mosaic</p> <p>21 Mercantile Sealer, that all communications you or your</p> <p>22 husband had with respect to your questions about the product</p> <p>23 were directed to Mosaic Mercantile rather than any of the</p> <p>24 other defendants in the case?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 34</p> <p>1 indicate that you were not wearing protective gloves during</p> <p>2 the time that you were working on this project if in fact you</p> <p>3 were?</p> <p>4 A No, I don't.</p> <p>5 Q Do you remember a doctor asking you that type of a question</p> <p>6 or a nurse asking you that type of a question?</p> <p>7 A No.</p> <p>8 Q Were you wearing rubber gloves at some point during the</p> <p>9 course of the project?</p> <p>10 A Yes.</p> <p>11 Q At what point?</p> <p>12 A When I was doing the sealer.</p> <p>13 Q Did you take them off after you realized that you wanted to</p> <p>14 get the sealer off?</p> <p>15 A No.</p> <p>16 Q In other words -- we'll get into the steps in a little more</p> <p>17 detail in a minute, but at some point I understand that you</p> <p>18 had a question about the sealer product that you bought and</p> <p>19 were applying and then attempted to get it off the tabletop,</p> <p>20 and what I want to know is had you taken your gloves off at</p> <p>21 that point when you were trying to get the sealer product off</p> <p>22 of the tiles and off of the grout?</p> <p>23 A No.</p> <p>24 Q You left them on the whole time?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 33</p> <p>1 Q Back to the table project. When you were putting the pieces</p> <p>2 of tile on the top, did you wear any type of protective</p> <p>3 clothing, gloves, glasses, anything like that?</p> <p>4 A Could you repeat that?</p> <p>5 Q Did you wear any type of protective clothing during the time</p> <p>6 that you were putting the tile onto the table?</p> <p>7 A No.</p> <p>8 Q Did you wear any protective clothing when you put the grout</p> <p>9 onto the table?</p> <p>10 A I don't remember.</p> <p>11 Q When you did the prior tile project, the gazing ball, did you</p> <p>12 ever wear any protective clothing at any stage of that</p> <p>13 project?</p> <p>14 A No.</p> <p>15 Q Did you wear any protective clothing at any stage of this</p> <p>16 project?</p> <p>17 A Yes.</p> <p>18 Q The medical records that we've obtained from the incident in</p> <p>19 at least one spot -- we might pull them out later and go</p> <p>20 through them -- contain an indication that you were not using</p> <p>21 protective gloves during the time of the grout sealer or</p> <p>22 during the time that you were trying to remove the grout</p> <p>23 sealer. Is that a true statement?</p> <p>24 A No.</p> <p>25 Q Do you have any explanation why your medical records would</p>	<p style="text-align: right;">Page 35</p> <p>1 Q How did you get a rash then on your finger?</p> <p>2 A I don't know.</p> <p>3 Q Were there holes in the gloves?</p> <p>4 A I don't know.</p> <p>5 Q What type of gloves were they?</p> <p>6 A They were latex -- or I mean they were rubber gloves.</p> <p>7 Q Are these rubber latex-type gloves that are yellow in color</p> <p>8 that I see some ladies using when they're washing dishes?</p> <p>9 A Yes.</p> <p>10 Q Is that basically what they were?</p> <p>11 A Yes.</p> <p>12 Q Now, there's three bottles of Mosaic Mercantile products on</p> <p>13 the table in front of us, and one of them, the one to your</p> <p>14 left, says Mosaic Grout Sealer on it. Do you see that?</p> <p>15 A Yes.</p> <p>16 Q The one in the middle says Mosaic Tile Primer on it. Do you</p> <p>17 see that?</p> <p>18 A Yes.</p> <p>19 Q And the one on your right has a label that's partially peeled</p> <p>20 off to reveal a different label underneath that says Mosaic</p> <p>21 Grout Sealer. Do you see that?</p> <p>22 A Yes.</p> <p>23 Q Is the one with the label that's partially peeled off the one</p> <p>24 that you bought at Hobby Lobby for your project?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 36</p> <p>1 Q When you bought this sealer product, did you have any idea 2 how you were to apply it to the grout? 3 A Well, by the instructions. 4 Q What do you remember about that? 5 A Well, it said to use where there is good ventilation, wear 6 gloves, and that's mainly what I remember. 7 Q How did you apply it? 8 A I applied it with a small paint brush. 9 Q You told me earlier that you read the label before you began 10 to use it? 11 A Yes. 12 Q Did you wear gloves because the label told you you should use 13 gloves, or were you wearing gloves just because you thought 14 that that might be a smart thing to do? 15 A No, the label said to wear gloves. 16 Q The label says: Use of thin vinyl gloves may be helpful for 17 some persons. Is that what you read? 18 A I don't remember that. 19 Q Did you shake the container before you used it? 20 A Yes. 21 Q Did you pour some of the contents of the container into some 22 other receptacle before you used it? 23 A Yes. 24 Q What did you pour it into? 25 A A little plastic dish.</p>	<p style="text-align: right;">Page 38</p> <p>1 Q Do you know how much was removed later? 2 A Not exactly. 3 Q On how many other occasions was additional fluid removed? 4 A Two times. 5 Q Was once by your husband? 6 A Yes. 7 Q Was once by people at the laboratory who tested the product? 8 A Yes. 9 Q Did you take the amount of fluid out of the container for the 10 laboratory or did they take it out? 11 A I wasn't there. 12 Q Your husband arranged that? 13 A Yes. 14 Q Did he go right to their offices? 15 A Yes. 16 Q In Muskegon? 17 A Yes. 18 Q You don't know whether he took some out of the container, 19 Exhibit 1 [sic] and gave it to them or whether they did that? 20 A I can only go by what he told me. 21 Q Do you know how much he removed from the container when he 22 removed it other than for the laboratory purposes? 23 A No. 24 Q Why did he remove additional liquid? 25 A To send to Michael Yablon.</p>
<p style="text-align: right;">Page 37</p> <p>1 MR. STEC: All right. There's clearly fluid still 2 left in the container, and I'm going to mark that as 3 Exhibit 2. Do you have a problem with that? 4 MS. McLEAN: I'm just not comfortable with 5 releasing them. If you want to come and inspect them or have 6 a lab come and take samples, that's fine. We have a chain of 7 custody issue as to -- 8 MR. STEC: The bottom; is that okay? 9 MS. McLEAN: I don't want the label disturbed. 10 MR. STEC: I'm putting an Exhibit 2 sticker on the 11 bottom. 12 (Deposition Exhibit No. 2 was marked for 13 identification.) 14 BY MR. STEC: 15 Q I don't know how much fluid of the eight ounces is left in 16 here, but you would agree with me that most of it is? 17 A I don't know. 18 Q How much -- and I know this is just going to be an estimate, 19 because I'm sure you didn't measure how much you poured out 20 into your little plastic container, did you? 21 A No. 22 Q All right. Other than that amount that was removed, was 23 there any other volume of this material removed from this 24 exhibit at any time? 25 A Yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 Q Any other occasion where additional liquid was taken out of 2 Exhibit 1 for any reason? 3 A No. 4 Q Do you know how much he took out of it to send to Mr. Yablon? 5 A No, I don't. 6 Q Were you there when he did that? 7 A No. 8 Q Do you know what it is that -- what did he put it in to send 9 it? 10 A Only what he told me. 11 Q What did he tell you? 12 A He told me he put it in a small glass jar. 13 Q Where did he get the glass jar? 14 A I don't know. 15 Q Did you put any of the liquid that you poured out of 16 Exhibit 1 back into the container after you were done using 17 it on your table project? 18 A No. 19 Q Was there any left in your small plastic bowl after you were 20 done using it for your table project? 21 A I don't remember. 22 Q If there was, do you remember how you disposed of it? 23 A I would have thrown it in the trash. 24 Q What do you mean? You would have thrown liquid in your trash 25 can?</p>

12 (Pages 36 to 39)

<p style="text-align: right;">Page 40</p> <p>1 A Well, I wouldn't put it back in the bottle. I know I didn't 2 put it back in the bottle. 3 Q And I know you don't even remember if there was any left 4 over. 5 A I don't. 6 Q How did you clean the brush when you were doing using it? 7 A I don't remember that. 8 Q Did you clean the brush after you were done using it? 9 A I don't remember if I did. 10 Q Do you remember what kind of brush it was? 11 A I remember it was a small -- just a cheap little paint brush. 12 Q When you say a small, cheap paint brush, is this one like 13 little kids use when they're water coloring? 14 A It could be. 15 Q As opposed to a brush that you may have used when you were 16 helping your husband on his painting-the-trim project? 17 A Yes. 18 Q So this was a very small head on the brush? 19 A Yes. 20 Q Wider than a half-inch? 21 A I don't think so. 22 Q When you poured the contents into your plastic bowl to put on 23 the grout, describe the color of the liquid for me. 24 A It was kind of a creamy -- little bit of a creamy color. 25 Q All right. And before you did that, you had read all the</p>	<p style="text-align: right;">Page 42</p> <p>1 the grout? 2 A Yes. 3 Q How long did that take? 4 A Approximately 30 to 45 minutes. 5 Q When you were doing this -- I didn't ask you how tall this 6 table is, but how high was it? 7 A Approximately maybe two-foot high, I'm not sure. It was like 8 coffee table height. 9 Q Coffee table height. When you say coffee table, the type of 10 table that would be in front of a couch? 11 A Yes. 12 Q Lower to the ground than like an end table like the one we 13 see here in the conference room? 14 A Yes. 15 Q Were you on your knees when you were doing this, sitting on a 16 stool, standing up, bending over, what were you doing? 17 A I was sitting on a stool. 18 Q How high was the stool? 19 A A little higher than the table. 20 Q So you were sitting basically on a stool a little above the 21 table. Was the bowl with the Exhibit 1 contents in it on the 22 tabletop itself? 23 A Yes. 24 Q And you would dip the brush in it and apply it to some of the 25 grout, dip it back in, and apply it to more grout basically?</p>
<p style="text-align: right;">Page 41</p> <p>1 instructions on the label? 2 A Yes. 3 Q Where was it that you were going to apply this product? 4 A Outdoors. 5 Q Do you remember what day it was that you applied it? 6 A Yes, it was June 12, 2008. 7 Q What was the weather like that day, do you have -- 8 A It was very warm, probably in the 80s. 9 Q Were you doing this in your garage, out on the driveway or 10 sidewalk, or exactly where did you do this? 11 A I was doing it behind our house on a cement slab under a 12 deck. It was open all the way around. 13 Q Did you select that location to do this because of something 14 you read on the label? 15 A Yes, it did say good ventilation and -- but it was a nice day 16 so I thought doing it outside would be a good idea. 17 Q When you opened the container and poured the contents into 18 the small plastic bowl, did you notice any type of a peculiar 19 odor? 20 A No. 21 Q When you started the task of sealing the grout, was it your 22 intention to complete the entire tabletop from beginning to 23 end? 24 A Yes. 25 Q Did you use the paint brush and apply the sealer to all of</p>	<p style="text-align: right;">Page 43</p> <p>1 A Yes. 2 Q And then you'd move the bowl maybe to get to the tabletop 3 closer to where the bowl had originally been placed? 4 A Yes. 5 Q During the process of pouring the fluid into the bowl, did 6 you spill any? 7 A No. 8 Q During the process of applying it to the grout, did you spill 9 any? 10 A No. 11 Q Did you get any on the gloves that you were using? 12 A Possibly. I don't remember. 13 Q I'm trying to envision this. If you've got -- how long was 14 the handle of the paint brush that you were using? Longer 15 than the pen I'm holding, I presume? 16 A About the same. Maybe a little longer. 17 Q This is probably four inches; would you agree? 18 A Yes. 19 Q Four, four and a half, maybe five. I'm just trying to 20 envision this. If you've got a little bowl -- which I'm sure 21 was shallower than this water cup I have? 22 A Yes. 23 Q Okay. You'd dip the head in, you'd apply it to the grout, 24 you'd dip it back in and apply it. It doesn't seem that 25 there would be much splashing or opportunity for you to get</p>

13 (Pages 40 to 43)

<p style="text-align: right;">Page 44</p> <p>1 any liquid even on your glove. Would you agree with me?</p> <p>2 A I agree.</p> <p>3 Q You never bumped the bowl accidentally and it sloshed out or</p> <p>4 anything like that?</p> <p>5 A No.</p> <p>6 Q When you were applying it, were you trying to not get any on</p> <p>7 the tile itself, or were you purposely putting some on the</p> <p>8 edge of the tile close to the grout?</p> <p>9 A I was trying not to get it on the tile.</p> <p>10 Q Was some going on the tile even though you were trying to</p> <p>11 keep it off the tile?</p> <p>12 A Yes.</p> <p>13 Q After you were done applying it to the grout, then what did</p> <p>14 you do?</p> <p>15 A Okay. I was done applying it to the grout and then I</p> <p>16 proceeded to take -- to get the excess on the tile off.</p> <p>17 Q Let me stop you there. How did you do that?</p> <p>18 A Well, first I tried it with water and a rag. Water. Rubbing</p> <p>19 it.</p> <p>20 Q And what happened when you used water on a rag rubbing it?</p> <p>21 A Nothing.</p> <p>22 Q Was this a cotton rag?</p> <p>23 A Yes.</p> <p>24 Q Was it a rag or paper towels?</p> <p>25 A It was a rag.</p>	<p style="text-align: right;">Page 46</p> <p>1 Q So when your husband said -- and, by the way, did your</p> <p>2 husband read the label at all before he told you to try</p> <p>3 mineral spirits?</p> <p>4 A I'm not sure.</p> <p>5 Q You didn't take the container to him, did you?</p> <p>6 A Not that I remember.</p> <p>7 Q And you don't remember him going to the location where you</p> <p>8 were working on your project and looking at it or looking at</p> <p>9 the material you were using or looking at the container, did</p> <p>10 he?</p> <p>11 A He looked at it. After I had the problem, he came and looked</p> <p>12 at it.</p> <p>13 Q Before he told you to use mineral spirits?</p> <p>14 A Yes.</p> <p>15 Q At that time do you remember him picking up the container at</p> <p>16 all and reading any of the label information?</p> <p>17 A No, I don't.</p> <p>18 Q Did he tell you where the mineral spirits were, or did you</p> <p>19 know where they were?</p> <p>20 A I don't remember.</p> <p>21 Q Had you cleaned up your brush before you tried to get the</p> <p>22 dried liquid off of the tile?</p> <p>23 A I don't remember.</p> <p>24 Q Do you know if you just threw the brush away because you</p> <p>25 weren't even going to bother to clean it, or was it one that</p>
<p style="text-align: right;">Page 45</p> <p>1 Q When you say nothing, tell me what you mean.</p> <p>2 A It didn't come off.</p> <p>3 Q Had it already dried on the tile?</p> <p>4 A Yes.</p> <p>5 Q Was it your recollection that it dried rather quickly once it</p> <p>6 was applied to the tile?</p> <p>7 A Yes.</p> <p>8 Q Within a minute or two or five?</p> <p>9 A Probably within five minutes.</p> <p>10 Q How long did you spend trying to use a rag with water to get</p> <p>11 off the excess that was on the tile?</p> <p>12 A A few minutes.</p> <p>13 Q Then what did you do?</p> <p>14 A Then I went to my husband and told him the problem I was</p> <p>15 having getting it off.</p> <p>16 Q What did he tell you to do?</p> <p>17 A He told me to get some mineral spirits; he thought that would</p> <p>18 remove it.</p> <p>19 Q Before you went to your husband to ask him what he thought,</p> <p>20 did you go back and read the label of Exhibit 1?</p> <p>21 A No, not that I remember.</p> <p>22 Q Did you remember anything being on the label with respect to</p> <p>23 how you might be able to get off any excess or how to clean</p> <p>24 it up?</p> <p>25 A No, I don't remember.</p>	<p style="text-align: right;">Page 47</p> <p>1 you were going to save for another craft project?</p> <p>2 A I assume that's what I did, is throw it away because I do</p> <p>3 that a lot with my projects.</p> <p>4 Q And do you remember if you would have cleaned up the plastic</p> <p>5 bowl that you had dumped the liquid in from Exhibit 1 before</p> <p>6 you started to clean up the excess on the tile?</p> <p>7 A No, I didn't clean up the bowl; I threw it away.</p> <p>8 Q Threw the bowl away also, okay.</p> <p>9 Now, did your husband go to get the mineral spirits</p> <p>10 or did you go get them?</p> <p>11 A I remember I went and got them.</p> <p>12 Q Where were they kept?</p> <p>13 A In a cabinet in our basement.</p> <p>14 Q Right up to that point, during the time that you were</p> <p>15 applying -- and I may have asked you this earlier, and I</p> <p>16 apologize if I did, but did you give me an estimate of how</p> <p>17 long it took you to apply the grout sealer to the tabletop,</p> <p>18 how long that part of it took?</p> <p>19 A I said it was between 30 to 45 minutes.</p> <p>20 Q During that time any unusual feeling or sensations that you</p> <p>21 were having?</p> <p>22 A No.</p> <p>23 Q No irritation of your skin?</p> <p>24 A No.</p> <p>25 Q No irritation of your nostrils or throat?</p>

14 (Pages 44 to 47)

<p style="text-align: right;">Page 48</p> <p>1 A No.</p> <p>2 Q No burning sensation of your eyes or anything like that?</p> <p>3 A No.</p> <p>4 Q Everything seemed okay up to that point?</p> <p>5 A Yes.</p> <p>6 Q And even up to the point you're trying to get off the excess</p> <p>7 with the water and rag, everything still okay up to that</p> <p>8 point?</p> <p>9 A Yes.</p> <p>10 Q Because now you've got -- do you have the top back on the</p> <p>11 container now at that point?</p> <p>12 A I don't remember.</p> <p>13 Q Just using common sense, it would seem if I'm going to pour</p> <p>14 some of this into a bowl that I'm going to use on my project,</p> <p>15 I'm probably going to put the top back on?</p> <p>16 A Yes.</p> <p>17 Q And so then the top stayed on. Well, let me back up because</p> <p>18 I didn't ask you this part. Did you run out of the amount</p> <p>19 that you first poured in the bowl and you had to go get more</p> <p>20 and add more to the bowl?</p> <p>21 A I imagine I did.</p> <p>22 Q You're not sure?</p> <p>23 A I'm not sure.</p> <p>24 Q May have, may not have, okay.</p> <p>25 Even if you did, you probably would have put the</p>	<p style="text-align: right;">Page 50</p> <p>1 A It wasn't as big as a gallon. I'm not sure of the amount.</p> <p>2 Q They usually don't come in a gallon like milk comes in a</p> <p>3 gallon; it's a different shape. They're either rectangular</p> <p>4 and metal or some of them are like a Clorox -- you probably</p> <p>5 have Clorox in your laundry room, don't you?</p> <p>6 A Yes.</p> <p>7 Q Do you have a gallon bottle of Clorox downstairs?</p> <p>8 A Yes.</p> <p>9 Q Was it a bottle like that?</p> <p>10 A No, not that big.</p> <p>11 Q Smaller?</p> <p>12 A Yes.</p> <p>13 Q Plastic or metal?</p> <p>14 A As I remember, it was plastic.</p> <p>15 Q Did you read any of the instructions on that label before you</p> <p>16 used it?</p> <p>17 A No.</p> <p>18 Q Is this the first time you've ever used mineral spirits, to</p> <p>19 your knowledge?</p> <p>20 A No.</p> <p>21 Q What had you used them for in the past?</p> <p>22 A To clean paint brushes.</p> <p>23 Q I thought I asked earlier. You had had occasion to clean up</p> <p>24 paint brushes with mineral spirits?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 49</p> <p>1 top back on, put the container out of the way probably; would</p> <p>2 you agree?</p> <p>3 A Yes.</p> <p>4 Q And during the time that you're trying to get the excess off</p> <p>5 with a rag and water, the top is on the container, the</p> <p>6 container is probably somewhere off the tabletop at that</p> <p>7 point?</p> <p>8 A Yes.</p> <p>9 Q So now we go get the mineral spirits. How do you apply the</p> <p>10 mineral spirits to the tabletop?</p> <p>11 A I also used a rag.</p> <p>12 Q Again, a cotton rag?</p> <p>13 A Yes.</p> <p>14 Q Do you have a rag bag at home like most people do?</p> <p>15 A Yes.</p> <p>16 Q So did you get a different rag from the one that had the</p> <p>17 water on it?</p> <p>18 A Yes.</p> <p>19 Q So you get a new rag, you get the mineral spirits. Do you</p> <p>20 pour the mineral spirits from their container into some other</p> <p>21 container?</p> <p>22 A No.</p> <p>23 Q Do you just -- I know I asked you this in the beginning, and,</p> <p>24 I'm sorry, but I'm forgetting. Was this like a one-gallon</p> <p>25 rectangular can?</p>	<p style="text-align: right;">Page 51</p> <p>1 Q The paint you would be cleaning off the brush with mineral</p> <p>2 spirits is what kind of paint?</p> <p>3 A It would be like a varnish or something like that that you</p> <p>4 use on wood.</p> <p>5 Q Something other than a latex or water-based paint?</p> <p>6 A Yes.</p> <p>7 Q So you know that with latex paint or water-based paint you</p> <p>8 clean up with water?</p> <p>9 A Yes.</p> <p>10 Q And with oil-based paint or lacquers and those types of</p> <p>11 finishes, you need mineral spirits or paint thinners or</p> <p>12 something like that?</p> <p>13 A Yes.</p> <p>14 Q So you think there have been other projects that you've been</p> <p>15 involved with that you would have used mineral spirits to</p> <p>16 clean up like a lacquer brush?</p> <p>17 A Yes, but not very --</p> <p>18 Q Can you give me --</p> <p>19 A Not often. It was -- I don't remember when I last used it.</p> <p>20 Q I don't want you to guess about this. If you have a specific</p> <p>21 recollection of using it in the past, then tell me that, but</p> <p>22 if you're unsure whether you -- because maybe you saw your</p> <p>23 husband use it and you know it's in the house --</p> <p>24 A Uh-huh.</p> <p>25 Q -- and sometimes people then go, yeah, I've used it, but</p>

15 (Pages 48 to 51)

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1 maybe they didn't; they just remember seeing their spouse use
 2 it. Do you know if you specifically used it?
 3 A I don't remember.
 4 Q So you get your rag -- and how big of a rag is this, by the
 5 way? Bigger than the Kleenex that you just had in your hand?
 6 A About the size of a washcloth.
 7 Q A bathroom washcloth?
 8 A Yes, about that size.
 9 Q Now, you get your container. Do you still have this
 10 container, by the way, at home?
 11 A No.
 12 Q Do you know what happened to it?
 13 A No, I don't.
 14 Q Are you sure it's no longer there?
 15 A Well, I looked yesterday; I didn't see it.
 16 Q Why did you look yesterday?
 17 A Because I was curious.
 18 Q What were you curious about?
 19 A If we still had it.
 20 Q Was there --
 21 MS. McLEAN: Let the record reflect I was going to
 22 have her bring it in if she had it.
 23 BY MR. STEC:
 24 Q You looked for it and you couldn't find it?
 25 A No.

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1 Q Did you ask your husband if you still had it?
 2 A Yes.
 3 Q What did he say?
 4 A No.
 5 Q Did he say what happened to it?
 6 A No.
 7 Q He didn't say, I used it all up when we did our garage
 8 project, or anything like that?
 9 A No.
 10 Q We have our washcloth-size rag, you take the top off -- I
 11 presume it's a screw-off top like we see on these?
 12 A Yes.
 13 Q I don't know if it's the same size; it may be a little
 14 bigger. Then do you just take your rag and put your rag on
 15 the open top and turn the container upside down to get some
 16 on your rag; is that what you basically did?
 17 A Yes.
 18 MR. STEC: And the record should reflect that I'm
 19 pretending like I have a rag in my hand, and I put it on the
 20 top of the container, and then I turned the container so the
 21 bottom's facing up to get some fluid out, and then I'll turn
 22 it back upright, okay.
 23 BY MR. STEC:
 24 Q And then with that you started to, what, scrub the tile to
 25 try to get the remnants off?

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1 A Yes.
 2 Q How long did you do that for?
 3 A It was approximately over an hour.
 4 Q Were the mineral spirits having any luck taking off the
 5 residue?
 6 A Yes.
 7 Q Was it getting it all off?
 8 A Yes.
 9 Q Were you using anything else to help get it off? Sometimes
 10 people will take an old toothbrush and scrub it or a little
 11 handheld brush. Did you use anything with a bristle on it?
 12 A No.
 13 Q I presume that for this over-an-hour time that you're using
 14 the mineral spirits that you would have, on more than one
 15 occasion, taken your rag and gone back to the mineral spirits
 16 bottle, turned it upside down, dumped more of its contents
 17 onto your rag, and gone back to scrubbing?
 18 A Yes.
 19 Q Do you remember how many times you would have done that
 20 approximately?
 21 A No, I don't.
 22 Q Any idea how much volume of the mineral spirits you ended up
 23 using while you were doing that?
 24 A No.
 25 Q Were you still using the stool that you were sitting on when

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1 you applied the grout sealer?
 2 A I'm not sure.
 3 Q In one of the recordings that your husband made -- and I've
 4 got it, I can pull it up if I need to, but he was telling I
 5 think the lady from the poison control center that during the
 6 hour or more that you were using that, you were down close to
 7 the surface of the tabletop scrubbing at it. Was that
 8 accurate?
 9 A -Yes.
 10 Q You would have been closer to the tabletop when you were
 11 doing that when you were applying the grout sealer?
 12 A Probably.
 13 Q Was it during that hour or shortly thereafter that you first
 14 began to feel something in terms of a sensation or tingling
 15 or something?
 16 A It wasn't shortly after.
 17 Q How long -- let me break it down. Did you feel any
 18 irritation during the time that you were using the mineral
 19 spirits?
 20 A No.
 21 Q Was it after you were done using the mineral spirits that you
 22 began to feel some sort of irritation?
 23 A Yes.
 24 Q After you were using the mineral spirits that you told me was
 25 for more than one hour, did you put the cap back on the

16 (Pages 52 to 55)

<p style="text-align: right;">Page 56</p> <p>1 mineral spirits and go put it back wherever it was that you</p> <p>2 had found it?</p> <p>3 A I'm sure I put the cap back on; I don't know if I put it</p> <p>4 right back or not.</p> <p>5 Q During the time that you were using the mineral spirits, were</p> <p>6 you still wearing your kitchen plastic gloves?</p> <p>7 A Yes.</p> <p>8 Q When you were done using it, did you discard those?</p> <p>9 A I don't remember.</p> <p>10 Q During the time that you were using it, did you notice if</p> <p>11 those plastic rubber gloves were dissolving or disintegrating</p> <p>12 at all?</p> <p>13 A I don't remember.</p> <p>14 Q Did you notice them peeling or flaking?</p> <p>15 A No.</p> <p>16 Q Did you notice the rag that you were using doing that?</p> <p>17 A No.</p> <p>18 Q Was there any remnant on the tile top of little pieces of</p> <p>19 cotton fabric during more than the hour that you were using</p> <p>20 the mineral spirits to try to get off the residue?</p> <p>21 A I don't remember.</p> <p>22 Q When you applied the grout sealer to the grout, did the grout</p> <p>23 dry clear?</p> <p>24 A Yes.</p> <p>25 Q Did the grout take on a little darker appearance in color</p>	<p style="text-align: right;">Page 58</p> <p>1 Q In one of the photographs that were sent there was a picture</p> <p>2 I think of the inside of your left thigh; is that right?</p> <p>3 A Yes.</p> <p>4 Q Do you remember during the course of using this -- either the</p> <p>5 grout sealer or the mineral spirits that something splashed</p> <p>6 on your left thigh or you may have unconsciously scratched it</p> <p>7 or brushed it with your gloved hand?</p> <p>8 A I don't know.</p> <p>9 Q Do you have any idea how you would have gotten the slight</p> <p>10 rash that I saw in the photograph on your left inner thigh?</p> <p>11 A No.</p> <p>12 Q Do you have any idea how you would have gotten the rash that</p> <p>13 I think the medical records talked about on your left ring</p> <p>14 finger even though you were wearing gloves?</p> <p>15 A No.</p> <p>16 Q Was there a rash anywhere else on your body other than those</p> <p>17 two locations?</p> <p>18 A The following day there was some on my arms -- my upper arm.</p> <p>19 Q You're pointing to your left upper arm?</p> <p>20 A I don't know which arm. I'm not sure which arm, but there</p> <p>21 was a rash.</p> <p>22 Q Are you left-handed or right-handed?</p> <p>23 A I'm right-handed.</p> <p>24 Q So would you have been scrubbing with your right hand, do you</p> <p>25 think, when you were using the rags?</p>
<p style="text-align: right;">Page 57</p> <p>1 than it was before you applied the sealer?</p> <p>2 A I don't think so. I don't remember.</p> <p>3 Q Your recollection is that the grout color would have been the</p> <p>4 same after the grout sealer dried as it was before you</p> <p>5 applied it?</p> <p>6 A Yes.</p> <p>7 Q And you weren't trying to get the grout sealer off the grout;</p> <p>8 you were trying to get the grout sealer off the tile?</p> <p>9 A Yes.</p> <p>10 Q Never tried to get it off the grout, did you?</p> <p>11 A No.</p> <p>12 Q Did you ever at any point just take the container of mineral</p> <p>13 spirits and dump it directly onto the tile?</p> <p>14 A No.</p> <p>15 Q Always used the rag?</p> <p>16 A Yes.</p> <p>17 Q During that time did you ever spill any contents of the</p> <p>18 mineral spirits container?</p> <p>19 A No.</p> <p>20 Q Did any of it splash on you or your clothes or your skin?</p> <p>21 A No.</p> <p>22 Q You were wearing shorts during the time you were doing this?</p> <p>23 A Yes.</p> <p>24 Q You told me it was an 80-degree day?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 59</p> <p>1 A Yes.</p> <p>2 Q How soon after you were done cleaning off the residue from</p> <p>3 the tile did you first notice something unusual?</p> <p>4 A I would say approximately two hours.</p> <p>5 Q In that two hours did you wash up after you were done with</p> <p>6 your project?</p> <p>7 A No.</p> <p>8 Q Do you remember what you did during that two hours?</p> <p>9 A No.</p> <p>10 Q Do you remember what time it was you were working on the</p> <p>11 project that day?</p> <p>12 A It was in the afternoon. I don't know the exact time. It</p> <p>13 was afternoon, between noon and four o'clock.</p> <p>14 Q Is it your recollection -- by the way how, long were you</p> <p>15 working on the project from start to completion that day?</p> <p>16 A I would estimate about two hours.</p> <p>17 Q You told me earlier it took somewhere between 30 and 40</p> <p>18 minutes to apply -- if I say something that's wrong, correct</p> <p>19 me because I'm not looking back at my notes. You gave me an</p> <p>20 estimate of how long you were using the grout sealer, and</p> <p>21 then you told us that it took you a little more than an hour</p> <p>22 to try and clean it up?</p> <p>23 A Yes.</p> <p>24 Q You only spent about five minutes with the water because that</p> <p>25 wasn't working, right?</p>

17 (Pages 56 to 59)

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1 A Right.
 2 Q So about two hours total is your best estimate?
 3 A Yes.
 4 Q Give or take?
 5 A Yes.
 6 Q And then you don't remember what you did after that. Did you
 7 go in the kitchen and start making dinner, were you guys
 8 going out to dinner, do you remember what you did later in
 9 the day?
 10 A Yes, we went to a concert at Meijer Gardens which was
 11 outdoors.
 12 Q What concert?
 13 A Voodoo Daddy.
 14 Q I love those guys.
 15 MS. McLEAN: Can we take a quick break so I can use
 16 the restroom?
 17 MR. STEC: Sure.
 18 (Recess held from 11:40 a.m. until 11:48 a.m.)
 19 BY MR. STEC:
 20 Q Before our break you told me that it was approximately two
 21 hours after you were done with your project that you started
 22 to notice something unusual, and you told me that you and
 23 your husband were going out that night to a concert at Meijer
 24 Gardens.
 25 Tell me about what it was that you felt about two

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1 hours later that was unusual.
 2 A I started feeling kind of tired, a little disoriented, and
 3 then we got to the concert, and while we were sitting there,
 4 my nose kept dripping like a faucet; it just wouldn't stop.
 5 Q Okay. Anything else that you experienced that day?
 6 A Yes. My eyes and face were kind of sensitive to my touch,
 7 and my nose was burning.
 8 Q Had you noticed any rash develop?
 9 A Not at that time I didn't.
 10 Q When was the first evidence of any rash?
 11 A The next morning.
 12 Q Where did you see that?
 13 A On my thigh and arm -- forearm.
 14 Q Do you remember whether you made dinner that night or whether
 15 you and your husband went out to eat before the concert or
 16 took something and picnicked at the concert?
 17 A I think we ate before we left.
 18 Q Do you remember whether you cooked the food or --
 19 A I always cook.
 20 Q Your husband wouldn't have made dinner?
 21 A I should say most of the time. I shouldn't say always.
 22 Q Did you get a carryout or anything like that that night?
 23 A Not that I remember.
 24 Q Between the time you were done with the table project and the
 25 time you went out that evening to the concert, did you do any

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1 work in the yard?
 2 A I don't remember.
 3 Q In the gardening that you do, do you apply fertilizers and
 4 things like that to your annuals or perennials?
 5 A Yes.
 6 Q Do you wear gloves when you garden?
 7 A Most of the time.
 8 Q Is that when you're weeding, or do you use them when you're
 9 applying fertilizers or, you know, Rapid Gro or whatever it
 10 is that you use? Do you wear them when you apply those?
 11 A I wear them when I'm weeding.
 12 Q But not when you're adding Rapid Gro or whatever?
 13 A I use Miracle-Gro.
 14 Q Do you remember if you were applying any chemicals to any of
 15 your gardens that day?
 16 A No.
 17 Q Had you ever had an allergic reaction to anything before this
 18 time?
 19 A No.
 20 Q Do you have allergies?
 21 A No.
 22 Q Have you ever been on allergy medication?
 23 A No.
 24 Q Ever been allergic to pets or dander or anything like that?
 25 A No.

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1 Q Have you ever had an allergy test?
 2 A No.
 3 Q Ever seen a doctor for anything that has anything to do with
 4 unusual sensitivity to any type of products or pets or
 5 anything like that?
 6 A No.
 7 Q Have you had sinus problems before this incident?
 8 A No.
 9 Q Ever treat with any doctor for anything to do with your
 10 sinuses, like bronchitis or allergies, anything like that?
 11 A Previously I had bronchitis. I don't know how many times or
 12 when, but --
 13 Q More than once?
 14 A Possibly.
 15 Q Previous to this you've also had some upper respiratory
 16 infections from time to time?
 17 A No.
 18 Q No? Ever treat a doctor for URI or upper respiratory
 19 infections before this incident?
 20 A No.
 21 Q Ever treat with a doctor after this incident for any upper
 22 respiratory infections?
 23 A Yes.
 24 Q How many times?
 25 A Approximately -- I think approximately 16.

18 (Pages 60 to 63)

<p style="text-align: right;">Page 64</p> <p>1 Q Sixteen. Have any of your doctors told you that they think 2 that there's any correlation between treatments for those 3 conditions and this incident? 4 A No. 5 Q Do you think there's any correlation between those upper 6 respiratory infections and this incident? 7 A Yes. 8 Q What do you base that on? 9 A My previous health record. 10 Q Have you asked your doctors about it, whether they think 11 there's any correlation? 12 MS. McLEAN: Objection as to hearsay. 13 BY MR. STEC: 14 Q Go ahead, you can answer. 15 A What was the question again? 16 Q Have you asked any of your doctors whether they think there's 17 a correlation? 18 A Yes. 19 Q Because I've seen that in the record, that you've suggested 20 there might be a correlation, but I don't see in the records 21 anywhere where any of them say that there's any cause and 22 effect. So is it true that when you would raise this 23 question to them that they never affirmed that they agreed 24 with you? 25 A Yes.</p>	<p style="text-align: right;">Page 66</p> <p>1 Q I presume you told him what your experience was the day 2 before and what you were thinking this was being caused by? 3 A Yes. 4 Q By the way, during the time that you treated -- on the 5 occasions that you did treat after this incident, did you 6 ever tell any of your treating doctors that you were using 7 mineral spirits that day? 8 A I don't remember. 9 Q You were present when your husband called the poison control 10 center, weren't you? 11 A Yes. 12 Q Was he using the speaker control or option on your home phone 13 that day? 14 A Yes. 15 Q And he was recording that conversation? 16 A Yes. 17 Q True? 18 A Yes. 19 Q You were in the room listening to what he was saying and what 20 the lady from the poison control center was saying? 21 A Yes. 22 Q In fact, you interjected at least at one point during that 23 recording to offer some information. I forget exactly what 24 it was. Oh, I think it was she asked if you had showered 25 afterwards. Do you remember that?</p>
<p style="text-align: right;">Page 65</p> <p>1 Q Did any of them tell you, no, that can't be possible or words 2 to that effect? 3 A No. 4 Q I mean, I'm not going to get the exact words -- 5 A No. 6 Q When was the first time that you went to see a medical care 7 provider for what you were experiencing after you used the 8 materials you used that day on July 12 -- June 12? 9 A It was June 13. 10 Q Who did you see that next day? 11 A Dr. Moore. 12 Q Do you remember what day of the week it was that the 12th 13 fell on that year? 14 A It was on a Thursday. 15 Q So on Friday you went to see Dr. Moore? 16 A Yes. 17 Q And what did he do for you? 18 A He gave me a steroid shot. 19 Q Did he tell you anything about what he believed had occurred, 20 what he was seeing when he examined you? 21 A Not that I remember. 22 Q Did he give you any indication that he thought that what you 23 were experiencing would have come from your contact with any 24 type of a material or chemical or liquid of some sort? 25 A Not that I remember.</p>	<p style="text-align: right;">Page 67</p> <p>1 A Yes, I do remember. 2 Q You didn't shower after you used those materials? 3 A No, I didn't. 4 Q And don't remember washing either your hands or your thigh or 5 upper arms? 6 A I don't remember. 7 Q There was no information provided to the lady at the poison 8 control center that you were using mineral spirits, was 9 there? 10 A I don't remember that. 11 Q In fact, where there was information provided regarding the 12 use of mineral spirits was in the conversations with Mosaic 13 Mercantile. Do you remember that? 14 A Yes. 15 Q In fact, their representative, Mr. Yablon, in fact, raised a 16 question about whether something might have happened as a 17 result of the interaction between their product and the 18 mineral spirits. Do you remember him saying that a couple of 19 times? 20 A Yes. 21 Q Was it your husband's idea to go get the Mosaic Mercantile 22 Primer tested at the lab in Muskegon? 23 A Yes. 24 Q Was he the person that had everything to do with that? 25 A Yes.</p>

19 (Pages 64 to 67)

<p style="text-align: right;">Page 68</p> <p>1 Q And he was the person that had everything to do with the 2 communications with the defendants to the extent that they 3 took place? 4 A Yes. 5 Q You were present for some of those communications, but you 6 didn't directly participate except here and there to add a 7 little bit of information. Would you agree? 8 A Yes. 9 Q How soon after the use of the materials you used that day did 10 you notice any swelling about your face or your eyes? 11 A I noticed it at the concert, but it was worse the next 12 morning. 13 Q Was the next morning when the photograph -- one photograph 14 was taken that's been produced? 15 A Yes. 16 Q Was that the worse that you looked? 17 A No. 18 Q When was the worse? 19 A Before that picture was taken. 20 Q But the next day then, say, on Saturday morning, it wasn't as 21 bad as on Friday morning? 22 A Yes, correct. 23 Q So the inflammation and swelling would have subsided 24 relatively quickly; you would agree? That's a relative term. 25 A Yes.</p>	<p style="text-align: right;">Page 70</p> <p>1 Q Once and only? 2 A Once. 3 Q And none since then? 4 A No. 5 Q When you went to see Dr. Moore, did he go over with you 6 questions about, have you changed your diet, have you used 7 any type of new products, and the type of questions that 8 doctors will ask when someone comes in and is showing 9 symptoms of an allergic reaction? 10 A I don't remember. 11 Q Is it fair to say that you went in and basically had assumed 12 that your use of the Mosaic Mercantile Primer was what was 13 causing your complaints? 14 A Yes. 15 Q And basically told him that, right? 16 A Yes. 17 Q You don't remember him asking you questions about the use of 18 other chemicals or other personal hygiene products or 19 anything like that? 20 A No. 21 Q Did any of the doctors that you saw after this ever tell you 22 that as you get a little older in life that sometimes you 23 develop allergic reactions to things that you might not have 24 had when you were younger? 25 A No.</p>
<p style="text-align: right;">Page 69</p> <p>1 Q By Sunday was that basically gone? 2 A To the best of my knowledge, it was. 3 Q How many times did you treat with Dr. Moore for things that 4 you relate to this incident? I guess what I -- let me 5 explain what I'm looking for. 6 I know that you just told me that you've had some 7 upper respiratory infections that you believe might be 8 related, but what I want to know is after the Thursday use of 9 the materials you used, how many times do you go see him. 10 because of the sensitivity that you were feeling that you 11 described for us? 12 A I don't remember. I would say approximately three or four, 13 I'm not sure. 14 Q I saw this in the medical records, but I forget. Did he give 15 you a steroid shot, or did he just give you steroid cream, or 16 did he give you a prescription for a steroidal -- 17 A A shot. He gave me a steroid shot. 18 Q Any other shots other than the one? 19 A No. 20 Q Had you ever come in contact with poison ivy or any type of a 21 poisonous plant that you had swelling that required steroids? 22 A No. 23 Q So this was the first time in your life you ever had a 24 steroidal shot? 25 A Yes, it is.</p>	<p style="text-align: right;">Page 71</p> <p>1 Q Did you treat with anyone else other than Dr. Moore for 2 anything that you relate to this? 3 A Yes. 4 Q Who else did you treat with? 5 A Dr. VanOtteren. 6 Q Is he the allergist? 7 A No. 8 Q Ear, nose, and throat? 9 A No, he's pulmonary. 10 Q How many times did you see him? 11 A I think around four times. 12 Q What did he do for you? 13 A He did some breathing tests, ordered a chest x-ray, I believe 14 a chest CAT scan, put me on different medications. 15 Q Did the x-ray that he take reveal anything? 16 A It revealed a small spot. Nothing threatening. 17 Q Did he tell you what the spot was? 18 A I don't remember. 19 Q Did he say it was related to something that you thought was 20 through the use of the primer? 21 A No. 22 Q I see that -- when you went to see Dr. Moore did you also get 23 x-rays of your sinuses there at some point after this 24 incident? 25 A Yes, I did.</p>

20 (Pages 68 to 71)

<p style="text-align: right;">Page 72</p> <p>1 Q Did you get them in his office or did he send you someplace 2 else? 3 A He sent me somewhere else. 4 Q St. Mary's? 5 A Yes. 6 Q Do you remember the results of those? 7 A They showed a lot of blockage. 8 Q Who told you they showed a lot of blockage? 9 A Dr. VanOtteren looked at the x-rays. 10 Q When he described what they showed -- and you said a lot of 11 blockage. A blockage of what? 12 A The sinuses. 13 Q Because the x-rays I'm looking at say that there was mild 14 thickening of the max sinuses. Do you remember -- did he use 15 the word mild or did he use the word a lot? 16 A I'm not sure. 17 Q During this time -- and the ones I'm looking at were taken 18 months after this, but were you able to do your normal 19 activities of daily living during that time? 20 A No. 21 Q What couldn't you do? 22 A I couldn't go to movies or places. If I started coughing, it 23 would be embarrassing or interrupt the show, because I was 24 developing this coughing. 25 Q Do you know how long -- how long did you have that for?</p>	<p style="text-align: right;">Page 74</p> <p>1 Q You're assuming that what you've been describing to us was 2 caused by using the Mosaic Tile Primer? 3 A Oh, yes. 4 Q Any other doctors that you saw other than Dr. Moore or 5 Dr. VanOtteren for anything that you relate to this incident? 6 A Yes. 7 Q Who else? 8 A Dr. Sprik. 9 Q Who is he? 10 A He's the ear, nose and throat specialist. 11 Q Did he ever tell you that anything he saw or observed had 12 anything to do with the use of any materials you used on 13 June 12? 14 A No. 15 Q Did he give you an opinion as to what he thought was going 16 on? 17 A Yes. 18 Q What did he think? 19 A He said infections, polyps growing. 20 Q Did he ask you or suggest you go see a specialist to have any 21 of those things analyzed further? 22 A He is a specialist. 23 Q But I wondered if he wanted you to be seen by anybody else 24 for further testing? 25 A No.</p>
<p style="text-align: right;">Page 73</p> <p>1 A I had it for, I don't know, approximately two or three 2 months. 3 Q And then it resolved? 4 A No. 5 Q You still have it? 6 A Oh, yes. 7 Q How often do you have it now? 8 A I have it -- not daily, but certain things activate it, like 9 laughing or exertion, if I'm exercising or, you know, if I'm 10 breathing heavy. 11 Q Did Dr. VanOtteren ever tell you that he thought any of the 12 symptoms that you were describing to him were caused by your 13 contact or the use of any of the materials that you used on 14 June 12? 15 A No. 16 Q Has any medical professional told you that or given you that 17 opinion? 18 A No. 19 Q Has any other expert -- have you talked to any other expert 20 who's given you an opinion that you may have suffered some 21 adverse reaction to the use of this Mosaic Mercantile 22 product? 23 A No. 24 Q That's just your assumption basically? 25 A What do you mean?</p>	<p style="text-align: right;">Page 75</p> <p>1 Q Did any of those doctors ever suggest that you have an 2 allergy test performed? 3 A No. 4 Q Do you have pets? 5 A No. 6 Q Have you in the last three years? 7 A No. 8 Q Who else do you treat with as a general practitioner or an 9 Ob-Gyn? 10 A No one else at this time. 11 Q Have you had an Ob-Gyn in the past? 12 A Yes. 13 Q When was the last time that you saw an Ob-Gyn for any reason? 14 A I don't remember. 15 Q Before June of '08? 16 A Definitely. 17 Q I didn't ask you any questions about the other two bottles 18 that I haven't marked as exhibits. Let me ask you a couple 19 of questions about these. The Mosaic Tile Primer that I'm 20 holding -- 21 MR. STEC: I'm going to mark these as exhibits, 22 too. I'm going to mark the primer bottle as Exhibit 4 and 23 the other sealer bottle as Exhibit 3. The Mosaic Tile Primer 24 contents weren't checked by the laboratory in Muskegon, were 25 they?</p>

21 (Pages 72 to 75)

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1 A I'm not sure.
 2 (Deposition Exhibit No. 3 was marked for
 3 identification.)
 4 (Deposition Exhibit No. 4 was marked for
 5 identification.)
 6 BY MR. STEC:
 7 Q When you bought Exhibit 1 -- I'm sorry, Exhibit 2?
 8 A Exhibit 2.
 9 Q When you opened it for the first time, was there a foil seal
 10 on the inside throat of the bottle when you took the cap off?
 11 A I don't remember.
 12 Q Would it have been your husband that opened Exhibits 3 and 4?
 13 A Yes.
 14 Q He's the one that bought them, right?
 15 A Yes.
 16 Q Did you ever use any of the contents in Exhibits 3 or 4?
 17 A No.
 18 Q Did he ever use the contents of either Exhibit 3 or 4?
 19 A Yes.
 20 Q What did he -- which one did he use?
 21 A Both of them.
 22 Q What did he use them on?
 23 A Tile.
 24 Q Same type of tile?
 25 A Yes.

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1 Q Is he the one that spread them on the two pieces of tile that
 2 we have in the conference room here?
 3 A Yes.
 4 Q Did he use the contents for anything other than that?
 5 A No.
 6 Q The sealer in Exhibit 3 -- you can compare the two if you
 7 want. In terms of the volume --
 8 A Yes.
 9 Q -- there's a lot more gone from Exhibit 3 than there is from
 10 Exhibit 2. Do you know why?
 11 A No.
 12 Q It seems like there's hardly any gone from Exhibit 4. Do you
 13 know how much volume of that container he used?
 14 A No.
 15 Q Did you do any research from any location with respect to the
 16 contents of Exhibit 2?
 17 A I didn't.
 18 Q Your husband?
 19 A Yes.
 20 Q Is he like spearheading this whole effort to try and figure
 21 out what happened?
 22 A He is.
 23 Q Did he do any research with respect to the contents of the
 24 other bottles that we've marked as exhibits?
 25 A Could you rephrase that?

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1 Q Did he do any research to try and figure out -- other than
 2 take samples to the lab in Muskegon, did he do anything else
 3 to try and analyze the characteristics of any of the contents
 4 that are -- or the materials that are in either of these
 5 bottles?
 6 A No, not that I know of.
 7 Q Do you know if he went on line to look for information about
 8 any of the ingredients in any of these or the actual contents
 9 of the bottles themselves?
 10 A I don't know.
 11 Q What's your understanding of the totality of what he did?
 12 I've heard the discussions on the tape so you don't have to
 13 tell me about those. I know that he took samples to the lab,
 14 but what else did he do?
 15 MS. McLEAN: Objection to the form of the question.
 16 Can you make it more specific? It's a pretty broad question.
 17 MR. STEC: I can't, because I don't know what else
 18 he did.
 19 BY MR. STEC:
 20 Q What else did he do?
 21 A What was the question?
 22 Q What else did your husband do to try and figure out what was
 23 going on here?
 24 MS. McLEAN: That was better, actually.
 25

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1 MR. STEC: I'm glad you approve.
 2 THE WITNESS: I think you have all the information.
 3 BY MR. STEC:
 4 Q Did you look at the Trace Lab report when you got that back
 5 from them?
 6 A Yes.
 7 Q You read it?
 8 A Yes.
 9 Q What did you conclude from what they said?
 10 A Okay. They tested the sealer with a double label and they
 11 tested the regular -- the sealer with the single label, and
 12 they said the two products were similar but different. One
 13 was different from the other, but they had some similar
 14 ingredients.
 15 (Deposition Exhibit No. 5 was marked for
 16 identification.)
 17 BY MR. STEC:
 18 Q I'm going to show you what I've marked as Exhibit 5, and the
 19 cover page of this exhibit is a letter dated July 16, 2008.
 20 Do you see that?
 21 A Say that again.
 22 Q The cover page is a letter dated July 16, 2008?
 23 A Yes.
 24 Q It's from the Trace Lab?
 25 A Yes.

22 (Pages 76 to 79)

<p style="text-align: right;">Page 80</p> <p>1 Q And this was a letter sent to your husband, true?</p> <p>2 A Yes.</p> <p>3 Q And behind the cover page are some additional sheets that</p> <p>4 were materials that the Trace Lab people sent back to your</p> <p>5 husband after they performed the analysis of the samples?</p> <p>6 A Yes.</p> <p>7 Q In the second paragraph of the cover letter -- if you look at</p> <p>8 that -- the last sentence reads, and I'll quote: The extra</p> <p>9 two compounds found in Double Label are consistent with</p> <p>10 chemicals found in grout sealers. Do you see where I read</p> <p>11 that?</p> <p>12 A Yes.</p> <p>13 Q Basically what the Trace Laboratories people told your</p> <p>14 husband and you, since you read this, was that the contents</p> <p>15 of both of the containers had materials inside that were very</p> <p>16 similar to what grout sealers typically have. Do you agree</p> <p>17 with that?</p> <p>18 A Yes.</p> <p>19 Q As we go through the document -- I have attached as the</p> <p>20 fourth page -- it's really an e-mail from Gina Roe, R-o-e, at</p> <p>21 Trace Labs to your husband -- do you see that?</p> <p>22 A Yes.</p> <p>23 Q Down on the bottom it looks like there's an attachment. It's</p> <p>24 a letter of July 22 of 2008. Do you see that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 82</p> <p>1 come from the Trace Lab people?</p> <p>2 A I don't know.</p> <p>3 Q You don't remember seeing that MSDS with the info that was</p> <p>4 sent back to your husband from the Trace company?</p> <p>5 A No.</p> <p>6 Q All right.</p> <p>7 A No, I don't.</p> <p>8 Q If it didn't come from them, do you know where it came from?</p> <p>9 A I don't.</p> <p>10 Q Do you remember looking at this document before today?</p> <p>11 A No, I don't.</p> <p>12 Q If you look at it, at the top on the left side it says</p> <p>13 product name, and it says primer. Do you see that?</p> <p>14 A In the left?</p> <p>15 Q Up here (indicating).</p> <p>16 A Oh, right here, yes.</p> <p>17 Q And then if you go down below that it says supplier, Mosaic</p> <p>18 Mercantile; do you see that?</p> <p>19 A Yes.</p> <p>20 Q And then manufacturer, and it says Triangle Coatings. Do you</p> <p>21 see that to the left of the supplier?</p> <p>22 A Yes.</p> <p>23 Q Now, do you know if this MSDS is for the product that we see</p> <p>24 in Exhibit Number 2 that's in front of us, or do you know</p> <p>25 whether it's information for what we see in Exhibit Number 4</p>
<p style="text-align: right;">Page 81</p> <p>1 Q And they tell us what the compounds were in each of the</p> <p>2 samples that your husband submitted?</p> <p>3 A Yes.</p> <p>4 Q Do you see that?</p> <p>5 A Yes.</p> <p>6 Q The double label sample has four compounds identified and the</p> <p>7 single label sample has two compounds identified. Do you see</p> <p>8 that?</p> <p>9 A Yes.</p> <p>10 Q Did your husband do any research with respect to the two</p> <p>11 compounds that were in the double label but not in the single</p> <p>12 label bottle?</p> <p>13 A I don't know.</p> <p>14 Q As you sit here today, do you have any information that would</p> <p>15 suggest that the two compounds found in the double label</p> <p>16 bottle were somehow toxic or could cause any rash or</p> <p>17 irritation at all?</p> <p>18 A I don't know.</p> <p>19 Q Then after those two pages, the last -- what we next see in</p> <p>20 the exhibit on the top -- you're at it. It says Material</p> <p>21 Safety Data Sheet. Do you see that?</p> <p>22 A Yes.</p> <p>23 Q Which people commonly refer to as an MSDS.</p> <p>24 A Yes.</p> <p>25 Q Did you look at that when it came with -- by the way, did it</p>	<p style="text-align: right;">Page 83</p> <p>1 that's in front of us? Do you know?</p> <p>2 A Well, it would be Number 4, the primer.</p> <p>3 Q Do you know if an MSDS was ever located for the sealer</p> <p>4 product?</p> <p>5 A No, I don't.</p> <p>6 Q So you don't have any information to suggest whether the</p> <p>7 ingredients in the sealer would be different from a</p> <p>8 toxicological perspective as those in the primer?</p> <p>9 A Repeat that.</p> <p>10 Q Do you have any information that suggests that what's in the</p> <p>11 sealer, Exhibit 2, is more toxic than what's in Exhibit 4?</p> <p>12 A It was my understanding that the primer was a stronger</p> <p>13 product than the sealer.</p> <p>14 Q Right.</p> <p>15 A And you needed to use more protection with the primer.</p> <p>16 Q That was information that basically your husband -- I should</p> <p>17 say that was a conclusion that your husband had arrived at at</p> <p>18 some point during the process of him trying to gather</p> <p>19 information about the products. Would you agree with me?</p> <p>20 A No.</p> <p>21 Q No? How did you come about that information?</p> <p>22 A I came up with that when I read the label underneath this</p> <p>23 other label, because I was curious to see what the warnings</p> <p>24 were on the primer compared to the warnings on the sealer.</p> <p>25 Q After this happened, you and/or your husband noticed that</p>

23 (Pages 80 to 83)

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1 there was a label underneath the cover label on Exhibit 2,
 2 right?
 3 A Yes.
 4 Q Who first discovered that?
 5 A He discovered that.
 6 Q And when he discovered that, did he then peel off the cover
 7 label?
 8 A Yes.
 9 Q And then he saw that the label underneath had the primer
 10 label on it?
 11 A Yes.
 12 Q So then did you also look at the primer label?
 13 A Yes.
 14 Q So both of you looked at both the cover label and the label
 15 that was underneath the cover label after it had been peeled
 16 back?
 17 A Yes.
 18 Q And both of you concluded that the primer was stronger or had
 19 more toxic -- I don't know if that's the right word, but it
 20 was stronger than what the sealer was?
 21 A Yes.
 22 Q There were more precautions on the label apparently?
 23 A Yes.
 24 Q And so then you assumed that what was in the bottle was in
 25 fact primer instead of sealer?

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1 A We didn't know that for sure.
 2 Q You were there when your husband talked to them.
 3 A Yes, it could have been; we assumed it could have been.
 4 Q Well, your husband concluded that it was, didn't he?
 5 A Yes.
 6 Q In fact, he said that multiple times in the conversations
 7 that he had with Mosaic Mercantile?
 8 A Yes, he did.
 9 Q And you were there for those conversations?
 10 A Yes.
 11 Q He was recording them?
 12 A Yes.
 13 Q And you heard Mr. Yablon tell him not once, but more than
 14 once, that in fact it wasn't primer that was in there; it was
 15 sealer that was in there, true?
 16 A Yes.
 17 Q And he explained that what happened was they put the sealer
 18 in a bottle and then the primer label was put on as a mistake
 19 and they realized that, so instead of throwing the bottle
 20 away and repackaging it, they simply just put the correct
 21 label over the primer label?
 22 A Yes.
 23 Q And you received that information before you filed this
 24 lawsuit?
 25 A Yes.

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1 Q And the testing report from Trace didn't suggest otherwise,
 2 that there was anything in this other than a sealer also;
 3 true?
 4 A They weren't identical products.
 5 Q Right. But as we went over the Trace report, on page one,
 6 the last sentence of paragraph two says: The two extra
 7 compounds found in the double label are consistent with
 8 chemicals found in grout sealers. Do you see that?
 9 A Yes.
 10 Q And basically no one at Trace suggested to you that the
 11 contents of Exhibit 2 were anything inconsistent than what
 12 grout sealers typically would have in it. Do you agree with
 13 me?
 14 A Yes.
 15 Q So you heard from Trace Laboratories that this basically is
 16 very typical of a sealer. You hear from Mosaic Mercantile --
 17 not the manufacturer, but Mosaic Mercantile that it is, in
 18 fact, sealer in there despite the fact that there's a primer
 19 label underneath. Did you hear from any source before this
 20 lawsuit was filed that the contents of Exhibit 2 contained
 21 something that wasn't supposed to be in it?
 22 A Could you rephrase that?
 23 Q Did anyone from any source, anyplace, tell you that what was
 24 in Exhibit 2 that you used was anything other than grout
 25 sealer --

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1 A No.
 2 Q -- or that it contained some ingredient that it wasn't
 3 supposed to contain?
 4 A No.
 5 Q Let's look at the MSDS that is included within our Exhibit 5,
 6 which says on the top -- it identifies it as the primer,
 7 which you and your husband both looked at the labels and
 8 believed that that would be a stronger material than the
 9 sealant, and if you go about halfway down the page, there's a
 10 box and it says, Section 2, dash, Composition, slash,
 11 Information on Ingredients. Do you see where I read that?
 12 A No.
 13 Q This box (indicating).
 14 A Oh, okay.
 15 Q Now, I want you to go down to where I'm pointing with the
 16 pen.
 17 A Oh, okay.
 18 Q It says, and I'll quote: No hazardous materials are
 19 contained in this product, unquote. Do you see that?
 20 A Yes.
 21 Q If you go down even further where it says effects of
 22 overexposure for inhalation -- do you see that?
 23 A Yes.
 24 Q It says: No hazard in normal industrial use; true?
 25 A Yes.

24 (Pages 84 to 87)

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1 Q But right above that for skin contact, it says may cause skin
 2 irritation; do you see that?
 3 A Yes.
 4 Q Did you read that? I may have asked you this earlier. Did
 5 you read this MSDS at some point before this lawsuit was
 6 filed?
 7 A No, I did not.
 8 Q Now, in the Columbo-type work that your husband has been
 9 doing in this case, do you know if he ever did any analysis
 10 of the contents of mineral spirits?
 11 A No.
 12 Q Have you done any research into the contents of mineral
 13 spirits?
 14 A No.
 15 Q Do you know that the Material Safety Data Sheet for mineral
 16 spirits tells us that mineral spirits are hazardous in the
 17 case of skin contact? Did you know that?
 18 A No.
 19 Q Did you know that it tells us that they're hazardous in the
 20 case of eye contact and it's an irritant to the eyes?
 21 A No.
 22 Q Did you know that it can cause irritation if there's any
 23 inhalation of mineral spirits? Did you know that?
 24 A No.
 25 Q Did you know that the toxicological information for mineral

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1 spirits tells us that it can have chronic effects on humans
 2 and that it's toxic to the lungs and the nervous system? Did
 3 you know that?
 4 A No.
 5 Q And it says under other toxic effects on humans -- and I'll
 6 just quote: Hazardous in case of skin contact, paren,
 7 irritant, end of paren, comma, of ingestion, of inhalation,
 8 period.
 9 Didn't know any of that before today?
 10 A No.
 11 Q Did you tell any of the doctors that you saw that you were
 12 using mineral spirits that afternoon for more than an hour?
 13 A What was the question again?
 14 Q Did you tell any of the doctors that you treated for the
 15 things that we've already talked about today that you had
 16 used mineral spirits for more than an hour that afternoon
 17 before you had the reactions that we've talked about?
 18 A I don't remember that.
 19 Q And you would agree with me that your exposure on that day as
 20 you've already described, because you told us how much time
 21 you spent with the contents of Exhibit 2 versus over an hour
 22 with the mineral spirits, that you were in contact with and
 23 working around mineral spirits far longer than you were with
 24 the contents of Exhibit 2 that day. Would you agree with me?
 25 A Yes.

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1 Q After you had these things happen and the rash and irritation
 2 that you've described, did your husband -- and I know I asked
 3 you this, but I want to go back because what I heard him say
 4 in some of the recordings suggests that he was doing more
 5 stuff than what we've talked about so far. Did he do any
 6 other testing or analysis of the contents of these bottles
 7 that we have here other than apply some of their contents to
 8 these two pieces of tile?
 9 A Not to my knowledge.
 10 Q He didn't have some other tiles that he put grout on, and
 11 then he applied the contents of these, and then he was
 12 scrubbing them off with water or with mineral spirits or
 13 anything like that?
 14 A I don't know.
 15 Q Okay. The medical expenses that were incurred for the
 16 treatment that you did receive, were those paid through
 17 either yours or your husband's medical plan that you may have
 18 as part of your retirement package from General Motors?
 19 A They were paid through my medical insurance.
 20 Q I think there may have been something attached to the
 21 discovery responses that we just got, but I want to make sure
 22 that I understand. There was a page that had a number of
 23 expenses on it. It was Exhibit A. I'm just going to show
 24 you my copy.
 25 A Yes.

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1 Q What are those supposed to represent?
 2 A Those are all the office calls and the costs of office calls
 3 and testings and one is for the emergency room.
 4 Q What I want to know is -- that's what I thought it was. How
 5 much, if any, of those have you had to pay out of your
 6 pocket?
 7 A Over \$2,000.
 8 Q So the column on the far right is your out-of-pocket
 9 expenses?
 10 A Yes.
 11 Q Those would have been submitted to your healthcare plan but
 12 just weren't covered?
 13 A This is what they did not cover, yes.
 14 Q Have those been paid?
 15 A Yes.
 16 Q You paid them?
 17 A Yes, I did.
 18 Q Any other out-of-pocket expenses that you've had other than
 19 this?
 20 A Yes, for the Trace Lab.
 21 Q That was like \$150?
 22 A Yes, 150. Attorney fees.
 23 Q Are you paying those on an hourly basis?
 24 A No.
 25 Q It's on a contingency basis?

25 (Pages 88 to 91)

<p style="text-align: right;">Page 92</p> <p>1 MS. McLEAN: Objection to privilege.</p> <p>2 BY MR. STEC:</p> <p>3 Q Have you had to pay -- I don't want to know what the</p> <p>4 contractual relationship is with your attorney, but have you</p> <p>5 had to pay for like the cost of filing the lawsuit? Did you</p> <p>6 pay that?</p> <p>7 A Yes.</p> <p>8 Q Expenses associated with the case you've had to pay for so</p> <p>9 far?</p> <p>10 A Yes.</p> <p>11 Q Has there been anything other than the cost of the actual</p> <p>12 filing of the summons and complaint, to your knowledge?</p> <p>13 A Not to my knowledge.</p> <p>14 Q You haven't talked to any expert witness or someone that</p> <p>15 might be used as an expert to give opinion testimony about</p> <p>16 the contents of the bottles that we have in front of us or</p> <p>17 with respect to whether the medical things we've talked about</p> <p>18 are related to exposure to mineral spirits versus any of the</p> <p>19 contents of these bottles, have you?</p> <p>20 A No.</p> <p>21 Q I'm going to look through my notes, because I've been asking</p> <p>22 a lot of questions for a long time without really looking at</p> <p>23 my notes. There may be a few things I've missed, but if</p> <p>24 there's any other questions, I'll pass you as a witness for</p> <p>25 right now.</p>	<p style="text-align: right;">Page 94</p> <p>1 Q What about alcohol, do you consume any alcohol?</p> <p>2 A At times.</p> <p>3 Q On a regular basis, socially --</p> <p>4 A Socially.</p> <p>5 Q Was there ever a time when you consumed alcohol on a more</p> <p>6 regular basis?</p> <p>7 A No.</p> <p>8 Q Never been treated for alcohol abuse?</p> <p>9 A No.</p> <p>10 Q Any treatment for drug abuse?</p> <p>11 A No.</p> <p>12 Q The table that you were working on applying the tile, do you</p> <p>13 still have it?</p> <p>14 A Yes.</p> <p>15 Q I'll ask at this time that you don't do anything with that</p> <p>16 table, that you keep it in that same condition that you</p> <p>17 currently have it.</p> <p>18 A Yes.</p> <p>19 Q Where is it stored or kept?</p> <p>20 A It's stored in the basement in the winter, and I put it on my</p> <p>21 deck in the summer.</p> <p>22 Q Has it changed at all in appearance over the past few years?</p> <p>23 A Yes.</p> <p>24 Q How has it changed in appearance?</p> <p>25 A Well, some of the paint is peeling off and the grout is</p>
<p style="text-align: right;">Page 93</p> <p>1 MS. FEKARIS: If you don't mind, can we take a</p> <p>2 break because I'd like to review my questions so I'm not</p> <p>3 asking duplicate questions.</p> <p>4 MR. STEC: Sure.</p> <p>5 (Recess held from 12:33 p.m. until 12:44 p.m.)</p> <p>6 EXAMINATION</p> <p>7 BY MS. FEKARIS:</p> <p>8 Q Ma'am, Cleo Fekaris. I represent Mosaic and Michael Yablon.</p> <p>9 .Have you ever smoked?</p> <p>10 A Yes.</p> <p>11 Q When?</p> <p>12 A The last time I smoked was 1984. I quit.</p> <p>13 Q At that time how much were you smoking on average?</p> <p>14 A Not more than a half a pack a day.</p> <p>15 Q And what brand of cigarettes did you smoke?</p> <p>16 A I don't remember.</p> <p>17 Q Were they like Marlboros?</p> <p>18 A Other people's. I don't remember. Virginia Slims or</p> <p>19 something. I don't know.</p> <p>20 Q Do they still make those?</p> <p>21 A I don't know.</p> <p>22 Q When did you start smoking?</p> <p>23 A I was in my 20s. Let's see. It would have been probably</p> <p>24 around 19 -- I don't know. Around 1972 or '3 or something</p> <p>25 like that.</p>	<p style="text-align: right;">Page 95</p> <p>1 getting a little dirty looking.</p> <p>2 Q Has the tile changed at all in appearance?</p> <p>3 A No.</p> <p>4 Q And I'm assuming your deck is not covered?</p> <p>5 A No.</p> <p>6 Q My assumption is correct? That was a poorly worded question.</p> <p>7 A Yes.</p> <p>8 Q In your Answers to Interrogatories it indicates that you have</p> <p>9 suffered from depression in the past?</p> <p>10 A Yes.</p> <p>11 Q Who have you treated with for depression, if anyone?</p> <p>12 A Dr. Moore.</p> <p>13 Q Anyone else?</p> <p>14 A No.</p> <p>15 Q Dr. Moore is just your primary care physician?</p> <p>16 A Yes.</p> <p>17 Q Have you been prescribed medication for the depression?</p> <p>18 A Yes.</p> <p>19 Q What medication?</p> <p>20 A Cipro.</p> <p>21 Q When was the first time you were prescribed medication for</p> <p>22 depression?</p> <p>23 A The first time was 1993.</p> <p>24 Q And have you been on a medication consistently since then for</p> <p>25 depression?</p>

26 (Pages 92 to 95)

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1 A Yes.

2 Q And is it Dr. Moore that prescribes your medication for the

3 depression?

4 A Yes.

5 Q Have you ever sought counseling for the depression?

6 A Years ago.

7 Q When you say years ago, what are we talking?

8 A Like when I first was diagnosed. 1993.

9 Q Where did you receive counseling?

10 A I can't remember the name of the place.

11 Q Other than the counseling in 1993 and Dr. Moore, have you

12 treated with anyone else for the depression?

13 A Well, doctors before I had Dr. Moore.

14 Q Which were?

15 A Which were Dr. Yavich.

16 Q I believe is that -- Yelena Yavich?

17 A Yelena, Y-e-l-e-n-a. Yelena Yavich.

18 Q Okay. Anyone else?

19 A I had one doctor before her, but I don't remember her name.

20 Q Dr. Yavich, was she a primary care physician?

21 A Yes.

22 MS. McLEAN: I think her records were ordered from

23 Record Services.

24 MS. FEKARIS: Yes.

25

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1 BY MS. FEKARIS:

2 Q Have you ever treated with a dermatologist?

3 A No.

4 Q Can you list for me all the doctors with whom you would have

5 treated in the past ten years?

6 A Dr. Moore, Dr. VanOtteren, and Dr. Sprik.

7 Q Any other doctors with whom you would have treated in the

8 past ten years?

9 A No.

10 Q What about treatments in E.R.s or hospitals for the past ten

11 years?

12 A I had one -- one time I went to emergency.

13 Q When was that?

14 A That was March of 2009.

15 Q Why did you go to emergency in March of 2009?

16 A I was coughing severely and I couldn't catch my breath.

17 Q Were you given a diagnosis at that time?

18 A I don't recall.

19 Q Were you admitted overnight?

20 A No.

21 Q You were just treated in the E.R. and sent home?

22 A Yes.

23 Q What emergency room was that?

24 A It was at St. Mary's.

25 Q I reviewed some of your medical records from Dr. Moore prior

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1 to the date of this incident, and there's indications of

2 having bronchitis, upper respiratory infections, coughing.

3 Are you aware -- do you recall having any of that?

4 A Yes.

5 Q Earlier I believe you were asked if prior to -- I guess it

6 would be June of 2008 -- whether you had any upper

7 respiratory infections, coughing, bronchitis, things of that

8 nature, and I believe your response was no. Do you recall

9 that?

10 A No.

11 Q You were asked some questions earlier about the day of the

12 incident, and you indicated that you had shorts on, and then

13 later on you went to -- I'm not from the area so correct me

14 if I'm wrong -- was it Meijer Garden?

15 A Yes, Meijer Garden.

16 Q Did you change your clothing prior to going?

17 A I'm not positive, but I probably did.

18 Q Do you recall -- you indicated that you were wearing shorts.

19 Do you recall what type of a shirt you were wearing while you

20 were working on this table?

21 A A shirt?

22 Q Yes.

23 A All I can say is it was probably short-sleeve. It was hot.

24 Q Do you recall if it was a button-down or a T-shirt you would

25 pull over your head?

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1 A Probably pull over head. I don't have many button-downs.

2 Q But you're not certain?

3 A No, I'm not sure.

4 Q Were you taking any medications back in June of 2008 other

5 than something for depression?

6 A No.

7 Q Are you currently taking any medications?

8 A No, except for depression.

9 Q Have you ever filed for social security disability?

10 A No.

11 Q And what is your social security number, and we'll ask that

12 only the last four digits appear on the transcript?

13 MS. McLEAN: You can answer.

14 THE WITNESS: 8792. You want the whole number?

15 MS. FEKARIS: Yes.

16 THE WITNESS: I thought you said the last four.

17 XXX-XX-8792.

18 MS. FEKARIS: And only the last four digits will

19 appear on the transcript for your own privacy.

20 THE WITNESS: Okay.

21 BY MS. FEKARIS:

22 Q What's your phone number?

23 A 616-363-5292.

24 Q And your address, which I believe you gave to us -- what is

25 your zip code?

27 (Pages 96 to 99)

<p style="text-align: right;">Page 100</p> <p>1 A 49505.</p> <p>2 Q When you were at General Motors, did you ever undergo any</p> <p>3 sort of medical examination while you were there for work?</p> <p>4 A When they hired me in, they gave me -- I guess you could call</p> <p>5 it a medical.</p> <p>6 Q But that was the only time you had any sort of evaluation</p> <p>7 with General Motors?</p> <p>8 A Yes.</p> <p>9 Q And you indicated that this occurred in June so it was in the</p> <p>10 summer. Do you go out, do you tan, apply sunscreen, do</p> <p>11 anything like that, during the summer?</p> <p>12 A I wear sunscreen when I'm gardening. I always put sunscreen</p> <p>13 on, usually a number 15 at least.</p> <p>14 Q Tanning beds or anything like that?</p> <p>15 A No.</p> <p>16 MS. FEKARIS: I believe that is all that I have.</p> <p>17 MR. STEC: I have a couple others.</p> <p>18 R E - E X A M I N A T I O N</p> <p>19 BY MR. STEC:</p> <p>20 Q Was anyone with you when you went to the Hobby Lobby the day</p> <p>21 that you bought Exhibit Number 2?</p> <p>22 A No.</p> <p>23 Q Do you know -- how often did you shop there back then?</p> <p>24 A Not more than once a month.</p> <p>25 Q Did you know any of the employees by name?</p>	<p style="text-align: right;">Page 102</p> <p>1 A No.</p> <p>2 Q Did you use a grout primer on that?</p> <p>3 A No.</p> <p>4 Q It's a house that you keep indoors, a decorative piece, or do</p> <p>5 you use it outside?</p> <p>6 A It was outside and it ruined it.</p> <p>7 Q Somewhere -- one of the photographs showed us the other side</p> <p>8 of your nose -- and I don't even know what that part is</p> <p>9 called, the very bottom of your nose between the nostrils.</p> <p>10 Is that the only place that there was any peeling of skin</p> <p>11 after this?</p> <p>12 A Yes, around the edges and the bottom of my nose.</p> <p>13 Q I saw somewhere that I think your husband may have said that</p> <p>14 the inner lining of your nose peeled off, but the medical</p> <p>15 records say just the opposite, that your nose was examined by</p> <p>16 your ENT and he found your nostrils and air passages to be</p> <p>17 normal. Do you remember that?</p> <p>18 A Yes, but that was a long time after that.</p> <p>19 Q Did any doctor tell you that they found some evidence of</p> <p>20 injury internally to your nose, nasal passages, other than</p> <p>21 the mild inflammation that the x-rays showed?</p> <p>22 A Not to my knowledge.</p> <p>23 Q Is that the table that you see in the one picture?</p> <p>24 A Yes, it is.</p> <p>25 Q It has different size tiles throughout its surface?</p>
<p style="text-align: right;">Page 101</p> <p>1 A No.</p> <p>2 Q Do you even know the name of the cashier that may have waited</p> <p>3 on you that day?</p> <p>4 A No.</p> <p>5 Q During the time that you were working on your project that</p> <p>6 afternoon, it was my impression that the only time your</p> <p>7 husband was around was when he came over when you explained</p> <p>8 that you were having a hard time getting the residue off the</p> <p>9 tile. He wasn't there during the more than an hour that you</p> <p>10 were using the mineral spirits, was he?</p> <p>11 A No.</p> <p>12 Q And he wasn't there for the time that you were applying the</p> <p>13 contents of Exhibit 2, was he?</p> <p>14 A No.</p> <p>15 Q So the only thing that he would know about the amount of time</p> <p>16 that you spent doing either of those two portions of that</p> <p>17 task would be what you told him?</p> <p>18 A Probably.</p> <p>19 Q Nobody else was there while you were doing it?</p> <p>20 A No, no one else was there.</p> <p>21 Q Have you ever resealed the grout on your table?</p> <p>22 A No.</p> <p>23 Q Have you had any other tile projects since that one?</p> <p>24 A Yes, I did a birdhouse.</p> <p>25 Q Did you use grout sealer on that?</p>	<p style="text-align: right;">Page 103</p> <p>1 A Yes, they're all different sizes. The center had actual</p> <p>2 square tiles, six of them, in the center, but the perimeter</p> <p>3 of that were broken.</p> <p>4 MR. STEC: Those are all the questions I have.</p> <p>5 Thank you, Mrs. Jakubowski.</p> <p>6 MS. FEKARIS: I have just a couple questions about</p> <p>7 this.</p> <p>8 R E - E X A M I N A T I O N</p> <p>9 BY MS. FEKARIS:</p> <p>10 Q Ma'am, this photo with you -- and it's the upper left</p> <p>11 photo -- with the table, when was that taken?</p> <p>12 A That was taken -- I don't know.</p> <p>13 Q Is the project complete in that picture?</p> <p>14 A It looks like it's pretty well complete.</p> <p>15 Q Would that picture have been taken before or after the sealer</p> <p>16 was put on?</p> <p>17 A Before.</p> <p>18 Q When you were -- is this where you would have applied that</p> <p>19 caulk or product that came in a caulk-like tube?</p> <p>20 A Yes, you can --</p> <p>21 Q It's down there on the table?</p> <p>22 A Yes.</p> <p>23 Q This was not in a ventilated area, was it?</p> <p>24 A No, it was a basement area. Can I add to that?</p> <p>25 MS. McLEAN: I don't see why not.</p>

28 (Pages 100 to 103)

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1 THE WITNESS: That part of the project I did weeks
2 before I sealed it. It was approximately -- and I had no
3 reaction to that.

4 MS. FEKARIS: I believe that's all I have.

5 EXAMINATION

6 BY MS. MCLEAN:

7 Q One of the first things you talked about was lost income, and
8 you said you weren't claiming that you lost any income. Did
9 you miss out on any opportunities to participate in any
10 volunteer opportunities or any other opportunities because of
11 your experience and your physical symptoms?

12 A Yes.

13 Q What were those?

14 A Well, that was my plan when I retired, to do a lot of
15 volunteer work, and I didn't feel really well enough a lot of
16 the times to do it, and I also have to take care of my mom,
17 she's 87, and she doesn't have a car so I have to do a lot
18 for her, and --

19 Q Have you been able to do for her what you normally would have
20 been able to do for her?

21 A Sometimes I can't. I just call her and tell her I don't feel
22 well, so --

23 Q Now, this is going to be somewhat non-verbal so we're going
24 to have to state for the record what you're doing, okay? I'm
25 going to pretend that you are applying the grout sealer.

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1 A Yes.

2 Q Can you demonstrate what you were doing when you had your
3 paint brush? Let's pretend you're dipping it in. What are
4 you doing? How far away are you? Can you pretend like
5 you're going to seal in this area? How close were you to the
6 product?

7 A I would say about approximately eight, ten inches.

8 Q Your face was about eight to ten inches?

9 A Yes.

10 Q Were you painting in like small lines in the grout lines?

11 A Yes.

12 Q Are you nearsighted or farsighted -- you have glasses on --
13 or both?

14 A I am, I would say, farsighted.

15 Q Okay. You would keep your head farther away if you didn't
16 have your glasses on to see what you were doing if you were
17 dealing with small, minute details; correct?

18 A Yes.

19 Q And then when you were -- after the product dried -- had you
20 used a sealer before that day on grout? Had you used a grout
21 sealer?

22 A Yes.

23 Q So you used a grout sealer on the gazing ball?

24 A Yes.

25 Q Did you have to take any precautions before with the previous

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1 sealer because of the way that the grout -- because of the
2 way it dried on the tiles? Does it just keep it on the
3 grout? That's kind of a double question.

4 A No, no.

5 Q So you just kind of put it on the grout and didn't worry if
6 it got on the tile in the past?

7 A Yes.

8 Q Is that how you did the application of this particular
9 product as well?

10 A Yes, I tried to keep it on the grout, just on the grout.

11 Q But if it got on the tile in the past, did you have to go and
12 take pains to remove it in the past?

13 A No, I did not.

14 Q Do you know if the product was labeled as either a
15 water-soluble or a non-soluble product?

16 A Exhibit 2?

17 Q Exhibit 2.

18 A I'm not sure.

19 Q So you don't know if you had to use water to clean it up or
20 mineral spirits to clean it off?

21 A No, I must have known it was water soluble.

22 Q Okay. And how long after you did the gazing ball did you do
23 the table?

24 A Maybe a year later.

25 Q And did you use any mineral spirits to clean off any grout

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1 with the gazing ball?

2 A No.

3 Q Do you know if the mineral spirits were used before the
4 incident where you used them? Do you know if they were used
5 by anybody in your household before?

6 A Yes.

7 Q So that was something you had in your household?

8 A Yes.

9 Q Do you have any idea when those mineral spirits were
10 purchased?

11 A No.

12 Q Do you have mineral spirits in your household right now even
13 if not the same mineral spirits?

14 A I don't think so. I haven't seen any.

15 Q Did you use those mineral spirits after this incident for any
16 purpose?

17 A Yes, I think we were doing another project for the steps in
18 the house.

19 Q What kind of steps?

20 A The steps. We had like stair steps going up to the second
21 level. We refinished those so we were using like
22 polyurethane and stains and different things on those that
23 had to be cleaned up with mineral spirits.

24 Q You remember using it then?

25 A Yes.

29 (Pages 104 to 107)

<p style="text-align: right;">Page 108</p> <p>1 Q Were you the person that was involved in that process? Did</p> <p>2 you clean any of the paint or the polyurethane up with</p> <p>3 mineral spirits after this incident had occurred with the</p> <p>4 table?</p> <p>5 A Yes, it was definitely afterwards. We re-did our living</p> <p>6 room, and that was a year ago in December, so that was after</p> <p>7 that.</p> <p>8 Q How did you use the mineral spirits in your living room area?</p> <p>9 Give specifics.</p> <p>10 A We had to clean up the brushes, but we did it in the</p> <p>11 basement. We usually do all our cleanup stuff in the</p> <p>12 basement.</p> <p>13 Q How long did you -- did you use these mineral spirits</p> <p>14 yourself?</p> <p>15 A Yes.</p> <p>16 Q So you specifically remember -- because when Mr. Stec asked</p> <p>17 you you didn't remember cleaning up any paint brushes before,</p> <p>18 but now you remember with this particular --</p> <p>19 A Yes, we did that project together, and we did the -- we tiled</p> <p>20 the fireplace and we did the steps and sanded them, finished</p> <p>21 them, and we had to seal them.</p> <p>22 Q Now, when you were using those mineral spirits after this had</p> <p>23 occurred, how long were you exposed to the fumes when you</p> <p>24 were cleaning the paint brushes?</p> <p>25 A Approximately ten minutes or so. Clean them and wipe them</p>	<p style="text-align: right;">Page 110</p> <p>1 associated with your increased sensitivity?</p> <p>2 A Yes.</p> <p>3 Q How do you react around strong odors or smells now versus how</p> <p>4 you reacted before?</p> <p>5 A Especially smoke, cigarette smoke, or if someone is around,</p> <p>6 even on their clothes -- if I'm around anyone that -- even if</p> <p>7 they're smoking outdoors, it will affect my cough, and I will</p> <p>8 cough for a couple of days afterwards.</p> <p>9 Q What if I came in here with some perfume on, would that</p> <p>10 affect you?</p> <p>11 A Yes, air fresheners and perfumes.</p> <p>12 Q Candles, does that have an effect, scented?</p> <p>13 A Not so much scented candles, but aerosol things like room</p> <p>14 spray or plug-ins that you plug in light sockets or whatever.</p> <p>15 Q So when you were using those mineral spirits to clean those</p> <p>16 paint brushes, did you have any reaction? Did you feel like</p> <p>17 you began coughing when you were using them?</p> <p>18 A No.</p> <p>19 Q So you didn't have a -- the second time you didn't have a</p> <p>20 reaction to the mineral spirits? It didn't make you cough?</p> <p>21 A No.</p> <p>22 Q When you went to your doctor and you told him what happened</p> <p>23 about the exposure, can you clarify what your doctor may have</p> <p>24 said or didn't say about what could have caused your</p> <p>25 incident -- what could have caused your symptoms?</p>
<p style="text-align: right;">Page 109</p> <p>1 off.</p> <p>2 Q How often did you have to clean the brushes?</p> <p>3 A Well, every time we used them.</p> <p>4 Q Was there ever a period of time where you were exposed to the</p> <p>5 mineral spirits for more than a ten-minute period of time</p> <p>6 after this incident?</p> <p>7 A No.</p> <p>8 Q Did you have any reaction on your hands or your legs or arms</p> <p>9 or face after the exposure the second time to the mineral</p> <p>10 spirits?</p> <p>11 A No.</p> <p>12 Q Did your husband have any experience with any negative</p> <p>13 exposure to mineral spirits?</p> <p>14 A No, he hasn't.</p> <p>15 Q What is hobbing worth to you?</p> <p>16 A I do a lot of it. It means a lot. I like to create things</p> <p>17 and I like to -- I like to give away things that I make.</p> <p>18 It's a big part of my life, and I like to do it with my</p> <p>19 children, grandchildren and friends.</p> <p>20 Q You know, one other question was asked of you. Have you seen</p> <p>21 a doctor -- have you seen a doctor for any unusual</p> <p>22 sensitivity in terms of -- you know, before this incident --</p> <p>23 sensitivity to smells or anything like that?</p> <p>24 A No.</p> <p>25 Q Has any of the treatment you've had since this incident been</p>	<p style="text-align: right;">Page 111</p> <p>1 A He didn't really --</p> <p>2 Q Let me ask you this: He didn't say that the product either</p> <p>3 did or didn't cause your symptoms?</p> <p>4 A No, he didn't say.</p> <p>5 Q He didn't say either way?</p> <p>6 A He didn't say either way, no.</p> <p>7 Q Did he give you any other medical explanation for your</p> <p>8 symptoms?</p> <p>9 A No, no, he did not.</p> <p>10 Q Did he -- subsequently, in reviewing your charts, has he</p> <p>11 given you any other explanation for your increase in illness?</p> <p>12 A No.</p> <p>13 Q Let me clarify. When Mr. Stec asked if you had been treated</p> <p>14 before for medical upper respiratory infections, when you</p> <p>15 answered that, I believe you said no, you hadn't been. Were</p> <p>16 you referring to that your situation has changed from before?</p> <p>17 Is that what you meant or that you never had an upper</p> <p>18 respiratory infection before?</p> <p>19 A Yes. When it's read back to me, I thought I told him, yes,</p> <p>20 that I had in the past, not often, but -- not as frequent as</p> <p>21 I am now in the last three years.</p> <p>22 Q So your statement is that you did have issues before but that</p> <p>23 they've increased now after that experience?</p> <p>24 A Yes. That just doesn't sound right, because -- I mean, I've</p> <p>25 had like bronchitis before but not every year or -- I mean, I</p>

30 (Pages 108 to 111)

Page 112

1 can't say I've never had it --
 2 Q Okay.
 3 A -- is what I mean.
 4 Q So you're saying -- do you get it now -- are you now getting
 5 upper respiratory infections or bronchitis more than
 6 annually?
 7 A Yes, yes.
 8 Q And since June 12, 2008 -- since that night, have you been --
 9 has your respiratory system been completely back to normal at
 10 any point in time?
 11 A No.
 12 Q Dr. VanOtteren, did he give you any explanation either way as
 13 to what could have caused your symptoms?
 14 A No. He said it could have, but they didn't know.
 15 Q Okay. So he didn't say it wasn't?
 16 A No, he didn't say it wasn't.
 17 Q He just didn't say?
 18 A Right.
 19 Q But you just said that he said that it could have been. He
 20 said it could have been, but I don't know.
 21 A Yes.
 22 Q Do you know if that was at all listed in your medical
 23 records?
 24 A That he said that you mean?
 25 Q Yes.

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1 A I don't know.
 2 MS. McLEAN: I think that's all that I have.
 3 R E - E X A M I N A T I O N
 4 MR. STEC: I have just a short follow-up.
 5 BY MR. STEC:
 6 Q Dr. VanOtteren wasn't shown the product container marked as
 7 Exhibit 2, was he?
 8 A No.
 9 Q He wasn't given any information with respect to the
 10 ingredients contained in this product in Exhibit 2, was he?
 11 A No.
 12 Q In fact, his records don't even indicate that he was told
 13 that you were using mineral spirits that day either. You
 14 didn't tell him that?
 15 A I don't remember.
 16 MR. STEC: I don't have anything else.
 17 MS. FEKARIS: I have a short follow-up.
 18 R E - E X A M I N A T I O N
 19 BY MS. FEKARIS:
 20 Q You indicated that you had a loss of opportunity to
 21 volunteer. You retired in 2006, correct?
 22 A Yes.
 23 Q How much volunteer work did you do between 2006 and June of
 24 2008?
 25 A I volunteer at a food pantry twice a week, and I volunteer at

Page 114

1 the church twice a week, and I see my mother twice a week.
 2 Q What food pantry?
 3 A Northwest Food Pantry. It's on Davis off Leonard.
 4 Q How often do you -- or how much time do you spend there each
 5 time per week?
 6 A Three to four hours.
 7 Q And which church?
 8 A It's Trinity -- the food pantry you mean?
 9 Q You said that you volunteer at church.
 10 A The church I volunteer at is Remembrance -- on Remembrance
 11 Road. It's Walker, Michigan.
 12 Q You mentioned Trinity. What is Trinity?
 13 A Trinity is where the food pantry is at, in the basement, the
 14 food pantry. That's why I was confused on the churches.
 15 Q What do you do at the food pantry?
 16 A I wait on the customers, I help them get their food, and
 17 stock shelves.
 18 Q And what do you do at Remembrance?
 19 A I do a nursery for the young moms at bible studies, I do
 20 nursery, and then they have dinners on Wednesday nights, and
 21 I help with that.
 22 Q At Trinity -- strike that. How long each time do you work in
 23 the nursery?
 24 A Once a week.
 25 Q I'm sorry, for how long?

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1 A Oh, for how long?
 2 Q Yes.
 3 A About three hours.
 4 Q Is it once a week or twice a week?
 5 A Once a week.
 6 Q And since June of 2008 have you done any volunteer work at
 7 the food pantry?
 8 A Yes.
 9 Q How frequently?
 10 A Not more than two days a month.
 11 Q For how long each time?
 12 A For three hours, four hours. It's four hours.
 13 Q And since June of 2008, have you done any work at the church?
 14 A I do nursery about two times a month and I don't do Wednesday
 15 nights anymore.
 16 Q What's Wednesday nights?
 17 A The dinner they have. I would do the salad bar. They
 18 prepare a whole dinner for Wednesday night classes and stuff.
 19 Q You indicated earlier that you care for your mother. Where
 20 does your mother live?
 21 A She lives in Jenison.
 22 Q How old is your mother?
 23 A Eighty-seven.
 24 Q Does she have any health issues?
 25 A High blood pressure.

31 (Pages 112 to 115)

<p style="text-align: right;">Page 116</p> <p>1 Q Anything else?</p> <p>2 A She has to use a walker to walk.</p> <p>3 Q What do you do for her?</p> <p>4 A I vacuum and clean and help her get groceries, take her to</p> <p>5 doctor appointments.</p> <p>6 Q How many times do you see her per week?</p> <p>7 A Two times per week.</p> <p>8 Q Do you spend the whole day with her?</p> <p>9 A Yes.</p> <p>10 Q And then you were asked some questions about subsequent use</p> <p>11 of mineral spirits after June of 2008, and you mentioned that</p> <p>12 you had a house project that you were working on?</p> <p>13 A Yes.</p> <p>14 Q And I thought you said the living room.</p> <p>15 A Yes, the living room.</p> <p>16 Q What was done to the living room?</p> <p>17 A The living room we repainted, retiled the fireplace, took the</p> <p>18 carpet off the stairs. We recarpeted the living room, the</p> <p>19 stairs, refinished the stairway.</p> <p>20 Q So you took the carpet out and replaced it?</p> <p>21 A Yes.</p> <p>22 Q And you refinished the stairs?</p> <p>23 A Yes.</p> <p>24 Q I'm assuming that in this remodeling you were sanding?</p> <p>25 A A little bit on the steps, but that was all.</p>	<p style="text-align: right;">Page 118</p> <p>1 A Maybe once every couple of months, something like that.</p> <p>2 Q And then you mentioned -- well, you have four other</p> <p>3 grandchildren. Are those all your daughter's children?</p> <p>4 A No, two of them are my daughters.</p> <p>5 Q And then the other two would be your stepchildren?</p> <p>6 A Yes.</p> <p>7 Q Where does your daughter live?</p> <p>8 A She lives in Hopkins, Michigan.</p> <p>9 Q Where is that?</p> <p>10 A South of Grand Rapids.</p> <p>11 Q How often do you see your daughter and her children?</p> <p>12 A Probably once a month.</p> <p>13 MS. FEKARIS: That's all I have.</p> <p>14 R E - E X A M I N A T I O N</p> <p>15 BY MR. STEC:</p> <p>16 Q Real quickly and I think we'll be done. On the project where</p> <p>17 you mentioned that some lacquer was being used, where was the</p> <p>18 lacquer applied.</p> <p>19 A On the steps. Before recarpeting, yes. At least, I think --</p> <p>20 I'm sorry. Pardon?</p> <p>21 Q At least you think --</p> <p>22 A Well, I know it was before we carpeted.</p> <p>23 Q Why would you apply lacquer before you put carpet down?</p> <p>24 A It was on the sides. We carpeted up the center.</p> <p>25 Q So the ends were exposed on the treads?</p>
<p style="text-align: right;">Page 117</p> <p>1 Q And you and your husband performed this?</p> <p>2 A Yes.</p> <p>3 Q When did you start this project?</p> <p>4 A We started it -- let's see, this year is 2011 -- 2010 and we</p> <p>5 finished it by Christmas 2010.</p> <p>6 Q When did you start it in 2010?</p> <p>7 A We started it probably -- I'm not sure -- June, July,</p> <p>8 somewhere in there.</p> <p>9 Q Did you wear any breathing protection during the project?</p> <p>10 A No.</p> <p>11 Q And you mentioned earlier about hobbying and that you like to</p> <p>12 do it with your children and grandchildren. How many</p> <p>13 grandchildren do you have?</p> <p>14 A I have five.</p> <p>15 Q And you mentioned that you have two children?</p> <p>16 A Uh-huh.</p> <p>17 Q Your son, Brian?</p> <p>18 A Yes, Brian.</p> <p>19 Q Are any of those children his?</p> <p>20 A Yes, one.</p> <p>21 Q One. Where does Brian live?</p> <p>22 A Brian lives in Eagle, Michigan.</p> <p>23 Q Where is Eagle, Michigan?</p> <p>24 A It's west of Lansing a little ways.</p> <p>25 Q How often do you see Brian and your grandchild?</p>	<p style="text-align: right;">Page 119</p> <p>1 A Just the ends.</p> <p>2 Q You kept saying we were doing this, we were doing that. Did</p> <p>3 you actually use the mineral spirits yourself?</p> <p>4 A Yes.</p> <p>5 Q What did you do -- to use that, you were cleaning the brush</p> <p>6 that was used to apply the lacquer?</p> <p>7 A Yes.</p> <p>8 Q I presume that just one of you would be applying lacquer at a</p> <p>9 time, right? You wouldn't have two people applying lacquer</p> <p>10 to the ends of one set of stairs?</p> <p>11 A Sure. I'm on top and he's on the bottom.</p> <p>12 Q Is that what happened? I want to know what actually</p> <p>13 happened, not what could happen, but what did happen?</p> <p>14 A Well, I was there when he was -- he was applying it, but I</p> <p>15 was right there when he was doing it.</p> <p>16 Q And then when he was doing it, he handed you his brush and</p> <p>17 you went and cleaned it?</p> <p>18 A Yes.</p> <p>19 Q Come to my house.</p> <p>20 What did you do with -- what did you do with the</p> <p>21 mineral spirits once you were done cleaning the brush?</p> <p>22 A Usually we kind of dump them out on the stones outside in an</p> <p>23 area where it's not going to kill plants, but we don't put</p> <p>24 them down the drain.</p> <p>25 Q So your recollection is you just dumped it outside?</p>

32 (Pages 116 to 119)

Page 120

1 A Uh-huh.
2 Q Yes?
3 A Yes.
4 MR. STEC: I don't have anything else. I think
5 we're done. Thank you very much.
6 MS. FEKARIS: Thank you.
7 (Deposition concluded at 1:30 p.m.)
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Page 121

1 CERTIFICATE
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF OTTAWA)
5 I, Kathryn Trap Hevelhurst, Notary Public in and
6 for the County of Ottawa, State of Michigan, do hereby
7 certify that the foregoing deposition was taken before me at
8 the time and place hereinbefore set forth and that said
9 witness was duly sworn by me to tell the truth, the whole
10 truth, and nothing but the truth, and thereupon was examined
11 and testified in the foregoing deposition.
12 I further certify that this deposition was taken
13 in shorthand by me, transcribed with the aid of a computer,
14 in compliance with the regulations set forth in the Court
15 Reporter Manual published by the Michigan State Court
16 Administrator's Office, and that it is a true and correct
17 transcript.
18 IN WITNESS WHEREOF, I have hereunto set my hand
19 this 31st day of January, 2012.
20
21
22 Kathryn Trap Hevelhurst, Notary Public
23 in and for the County of Ottawa
24 State of Michigan.
25 Commission expires: 4/23/2015

33 (Pages 120 to 121)

Kane & Trap Court Reporting, Inc.
services@kaneandtrap.com

(616) 742-0700

EXHIBIT 3

Y 2718 Durham NC 05

PSP

12/8/66

LAS

12/9/66

Tobacco Use/Exposure
Amount☐ Yes ☐ No

- ☐ Precontemplation (not ready to quit)
☐ Contemplation (ready to change, not to quit)
☐ Preparation/Action (ready to quit)

Assisted friends or resources

☐ Yes ☐ No

Advised to quit

☐ Yes ☐ No

Arranged quit date

S: She was doing something with tile and grout at home that was originally thought to be a grout sealer. It had a second label on it and underneath it was grout primer. She has since developed swelling around her eyes, left greater than right with itching, irritation, and sensitivity in the nose, and rash on left hand particularly near her wedding ring, and some rash on her left inner thigh. She was not wearing gloves when doing this work.

O: No acute distress. There is swelling of both upper eyelids, left greater than right, although there is actually more rash on the left upper lid. The right upper lid has more rash. The left lower lid also shows mild swelling. There are some erythematous papules on the left hand near the fingers and also on the left inner thigh in an area that is maybe 3 x 8 cm.

A: CONTACT DERMATITIS: Because it involves her face and nose (The inside of her nose did look normal on exam.), I recommended she have systemic steroids and she was given Kenalog 60 mg IM. Follow up for this problem p.r.n. Mohr/sed

Contact dermatitis

6/13/08

Message

For <u>M</u>	
Date <u>2-18-08</u>	Time <u>1030</u>
Caller <u>Yvonne Jakubowski</u>	
Company	Phone <u>363-5292</u>
<u>paperwork</u>	
<u>bloodwork 4yrs back</u>	
<u>last 2 Px</u>	

- ☐ Telephoned
☐ Please Call
☐ Returned Your Call
☐ Will Call Again
☐ Wants to See You
☐ IMPORTANT

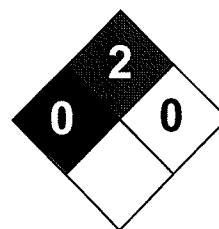
Axert
 almotriptan malate tablets

LM to C13 2-18-08JZ papers mailed

2-18-08JZ

N35

EXHIBIT 4



Health	0
Fire	2
Reactivity	0
Personal Protection	H

Material Safety Data Sheet

Mineral spirits MSDS

Section 1: Chemical Product and Company Identification

Product Name: Mineral spirits

Catalog Codes: SLM3616

CAS#: 64475-85-0

RTECS: WJ8925000

TSCA: TSCA 8(b) inventory: Mineral spirits

CI#: Not applicable.

Synonym:

Chemical Name: Not available.

Chemical Formula: Not available.

Contact Information:

Sciencelab.com, Inc.

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: ScienceLab.com

CHEMTREC (24HR Emergency Telephone), call:
1-800-424-9300

International CHEMTREC, call: 1-703-527-3887

For non-emergency assistance, call: 1-281-441-4400

Section 2: Composition and Information on Ingredients

Composition:

Name	CAS #	% by Weight
Mineral spirits	64475-85-0	100

Toxicological Data on Ingredients: Mineral spirits LD50: Not available. LC50: Not available.

Section 3: Hazards Identification

Potential Acute Health Effects:

Hazardous in case of skin contact (irritant), of eye contact (irritant), of ingestion, of inhalation. Slightly hazardous in case of skin contact (permeator).

Potential Chronic Health Effects:

CARCINOGENIC EFFECTS: Not available. MUTAGENIC EFFECTS: Not available. TERATOGENIC EFFECTS: Not available. DEVELOPMENTAL TOXICITY: Not available. The substance is toxic to lungs, the nervous system. Repeated or prolonged exposure to the substance can produce target organs damage.

Section 4: First Aid Measures

Eye Contact: Check for and remove any contact lenses. Do not use an eye ointment. Seek medical attention.

Skin Contact:

After contact with skin, wash immediately with plenty of water. Gently and thoroughly wash the contaminated skin with running water and non-abrasive soap. Be particularly careful to clean folds, crevices, creases and groin. Cover the irritated skin with an emollient. If irritation persists, seek medical attention. Wash contaminated clothing before reusing.

Serious Skin Contact:

Wash with a disinfectant soap and cover the contaminated skin with an anti-bacterial cream. Seek medical attention.

Inhalation: Allow the victim to rest in a well ventilated area. Seek immediate medical attention.

Serious Inhalation:

Evacuate the victim to a safe area as soon as possible. Loosen tight clothing such as a collar, tie, belt or waistband. If breathing is difficult, administer oxygen. If the victim is not breathing, perform mouth-to-mouth resuscitation. Seek medical attention.

Ingestion:

Do not induce vomiting. Loosen tight clothing such as a collar, tie, belt or waistband. If the victim is not breathing, perform mouth-to-mouth resuscitation. Seek immediate medical attention.

Serious Ingestion: Not available.

Section 5: Fire and Explosion Data

Flammability of the Product: Flammable.

Auto-Ignition Temperature: 245°C (473°F)

Flash Points: CLOSED CUP: 38°C (100.4°F).

Flammable Limits: LOWER: 1%

Products of Combustion: Not available.

Fire Hazards in Presence of Various Substances: Not available.

Explosion Hazards in Presence of Various Substances:

Risks of explosion of the product in presence of mechanical impact: Not available. Risks of explosion of the product in presence of static discharge: Not available.

Fire Fighting Media and Instructions:

Flammable liquid, insoluble in water. SMALL FIRE: Use DRY chemical powder. LARGE FIRE: Use water spray or fog. Cool containing vessels with water jet in order to prevent pressure build-up, autoignition or explosion.

Special Remarks on Fire Hazards: Not available.

Special Remarks on Explosion Hazards: Not available.

Section 6: Accidental Release Measures

Small Spill: Absorb with an inert material and put the spilled material in an appropriate waste disposal.

Large Spill:

Flammable liquid, insoluble in water. Keep away from heat. Keep away from sources of ignition. Stop leak if without risk. Absorb with DRY earth, sand or other non-combustible material. Do not get water inside container. Do not touch spilled material. Prevent entry into sewers, basements or confined areas; dike if needed. Eliminate all ignition sources. Call for assistance on disposal.

Section 7: Handling and Storage

Precautions:

Keep away from heat. Keep away from sources of ignition. Ground all equipment containing material. Do not breathe gas/fumes/ vapour/spray. Wear suitable protective clothing. In case of insufficient ventilation, wear suitable respiratory equipment. If you feel unwell, seek medical attention and show the label when possible. Avoid contact with skin and eyes.

Storage:

Flammable materials should be stored in a separate safety storage cabinet or room. Keep away from heat. Keep away from sources of ignition. Keep container tightly closed. Keep in a cool, well-ventilated place. Ground all equipment containing material. Keep container dry. Keep in a cool place.

Section 8: Exposure Controls/Personal Protection

Engineering Controls:

Provide exhaust ventilation or other engineering controls to keep the airborne concentrations of vapors below their respective threshold limit value. Ensure that eyewash stations and safety showers are proximal to the work-station location.

Personal Protection:

Splash goggles. Lab coat. Vapor respirator. Be sure to use an approved/certified respirator or equivalent. Gloves.

Personal Protection in Case of a Large Spill:

Splash goggles. Full suit. Vapor respirator. Boots. Gloves. A self contained breathing apparatus should be used to avoid inhalation of the product. Suggested protective clothing might not be sufficient; consult a specialist BEFORE handling this product.

Exposure Limits: Not available.

Section 9: Physical and Chemical Properties

Physical state and appearance: Liquid.

Odor: Not available.

Taste: Not available.

Molecular Weight: Not available.

Color: Clear Colorless.

pH (1% soln/water): Not applicable.

Boiling Point: 148°C (298.4°F)

Melting Point: Not available.

Critical Temperature: Not available.

Specific Gravity: 0.74 (Water = 1)

Vapor Pressure: 2 mm of Hg (@ 20°C)

Vapor Density: 4.9 (Air = 1)

Volatility: Not available.

Odor Threshold: Not available.

Water/Oil Dist. Coeff.: Not available.

Ionicity (in Water): Not available.

Dispersion Properties: Not available.

Solubility: Insoluble in cold water.

Section 10: Stability and Reactivity Data

Stability: The product is stable.

Instability Temperature: Not available.

Conditions of Instability: Not available.

Incompatibility with various substances: Not available.

Corrosivity: Not considered to be corrosive for metals and glass.

Special Remarks on Reactivity: Not available.

Special Remarks on Corrosivity: Not available.

Polymerization: No.

Section 11: Toxicological Information

Routes of Entry: Eye contact. Inhalation. Ingestion.

Toxicity to Animals:

LD50: Not available. LC50: Not available.

Chronic Effects on Humans: The substance is toxic to lungs, the nervous system.

Other Toxic Effects on Humans:

Hazardous in case of skin contact (irritant), of ingestion, of inhalation. Slightly hazardous in case of skin contact (permeator).

Special Remarks on Toxicity to Animals: Not available.

Special Remarks on Chronic Effects on Humans: Not available.

Special Remarks on other Toxic Effects on Humans: Not available.

Section 12: Ecological Information

Ecotoxicity: Not available.

BOD5 and COD: Not available.

Products of Biodegradation:

Possibly hazardous short term degradation products are not likely. However, long term degradation products may arise.

Toxicity of the Products of Biodegradation: The products of degradation are more toxic.

Special Remarks on the Products of Biodegradation: Not available.

Section 13: Disposal Considerations

Waste Disposal:

Section 14: Transport Information

DOT Classification: CLASS 3: Combustible liquid with a flash point greater than 37.8C (100F).

Identification: : Flammable liquids n.o.s. : UN1993 PG: Not available.

Special Provisions for Transport: No DOT, ref 49CFR, 173.150

Section 15: Other Regulatory Information

Federal and State Regulations: TSCA 8(b) inventory: Mineral spirits

Other Regulations: OSHA: Hazardous by definition of Hazard Communication Standard (29 CFR 1910.1200).

Other Classifications:

WHMIS (Canada):

CLASS B-3: Combustible liquid with a flash point between 37.8°C (100°F) and 93.3°C (200°F). CLASS D-2A: Material causing other toxic effects (VERY TOXIC).

DSCL (EEC):

R10- Flammable. R36/38- Irritating to eyes and skin.

HMIS (U.S.A.):

Health Hazard: 0

Fire Hazard: 2

Reactivity: 0

Personal Protection: h

National Fire Protection Association (U.S.A.):

Health: 0

Flammability: 2

Reactivity: 0

Specific hazard:

Protective Equipment:

Gloves. Lab coat. Vapor respirator. Be sure to use an approved/certified respirator or equivalent. Wear appropriate respirator when ventilation is inadequate. Splash goggles.

Section 16: Other Information

References: Not available.

Other Special Considerations: Not available.

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